

Minutes of a Regular Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, November 18, 1986 at 7:30 p.m.

Present: Victor Prusinowski, Councilman  
John Lombardi, Councilman  
Louis Boschetti, Councilman  
Robert Pike, Councilman

Also Present: Richard Ehlers, Town Attorney

Absent: Joseph F. Janoski, Supervisor

Councilman Prusinowski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Prusinowski, "Good evening everyone and welcome to our Town Board Meeting this evening. The Supervisor is ill. So I'll be presiding as the acting chairman I presume. We'll get right to the elected officials and various department heads are in the audience if anybody has any question of them. We'll go right to Reports Mrs. Pendzick."

#### REPORTS

Environmental Quality Review Board, 11/6/86-Application of Jack and Peter Van der Wetering a Type II Action, Application of George Chekijian is a Type II Action, Application of Andrew Markakis and Charles Hydell is a Type II Action, Application of Peconic Ambulance Service is a Type II Action.

File

Building Department-For month of October, 1986.

File

Recreation Department-For month of September and October.

File

Police Department-For month of October, 1986.

File

#### OPEN BID REPORT - REHABILITATION OF SIDEWALKS ON MAIN STREET

File

Bid Date: November 13, 1986 at 11:00 a.m.  
2 Bids Submitted

#1 NAME: EAST AREA GENERAL CONSTRUCTION  
ADDRESS: SOUTHAMPTON, NY  
TOTAL BID: \$142,800

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#2 NAME: MAREL CONSTRUCTION  
ADDRESS: HICKSVILLE, NY  
TOTAL BID: \$180,345

Councilman Prusinowski, "We'll go right on to applications."

### APPLICATIONS

Site Plan-Kelly, Sacher & Assoc., for Frederick P. Cowan & Co., Offices and Manufacturing, Kroemer Avenue, Riverhead. File

Site Plan-River Center Associates, Interior Alterations, Route 58, Riverhead. File

Extension of Parking District #1-Kenneth Zahler, Maple Ave. File

Councilman Prusinowski, "Ok. We'll go to Correspondence."

### CORRESPONDENCE

Riverhead Baymen's Assoc., 11/6/86-Re: Proposed Riverhead Town Bay Bottom Control. File

Steve G. Tsontakis, P.E., 11/10/86-Re: Fire Damaged Building. File

Planning Board, 11/12/86-Recommending approval of Special Permit for Deidre Fedun and recommending special permit uses covering residences in Ind. "A" and "B" use districts be eliminated. File

\*Dick Benedict, 11/10/86-Requests that town ban small game hunting. File

John & Hattie Aldrich, 11/17/86-Strenuously object to Entenmann application. File

John & Edwina Rolle, 11/14/86-Advising that application of Schneider and Kane re: Fresh Water Wetlands be withdrawn. File

- \* Letter Sent to Town Board regarding hunting in the Town of Riverhead sent by Dick Benedict and requesting that it be read into the record.

Dear Mr. Janoski:

I believe the time has come in the Town of Riverhead to officially ban small game hunting.

This past Sunday, as I raked leaves in my yard, pellets rained down on me and my home for the third time.

Small game hunting should be confined to co-op hunting which is controlled by DEC, legal hunting clubs by membership only and possibly by landowners and their families only if they own over 100 acres!

Small game hunters are a constant threat to automobile travel, women hanging clothes, etc. Riverhead Town Police, at taxpayers expense, are constantly being called by irate homeowners. This is very expensive to the local taxpayer and keeps the police from performing their intended duties. Riverhead has grown to the point that safe, small game hunting is almost impossible. We are not talking about taking away anyone's livelihood and the game is not really required to feed anyone's kids. Certainly these animals are not a serious threat to man.

CORRESPONDENCE Continued

I am a hunter and have been since I was 12 years old. I rent land upstate and drive some 220 miles to hunt. Should the town I hunt in ever become too congested to safely hunt, I hope the town government will have the good sense to ban hunting in their town also.

Please consider a public hearing on this subject before people buy their 1987 small game license.

Ironically I will not be able to attend the November 18th Meeting because I will be upstate deer hunting. However, I will be calling Town Hall to get the opinion of yourself and the Board members on this subject.

Thank you,

Dick Benedict.

Councilman Prusinowski, "Thank you Irene. We have a few changes in our public hearing schedule tonight. The 8:15 special permit of Joseph and Linda Sullivan was postponed due to a posting inadequacy in their application on the property. The 8:25 public hearing for the special permit for Rollin and Olga Hargis has been postponed due to a technicality in publication of their public notice. As the same for the 9:25 public hearing on the SEQRA Fees. If you look at the agenda, we have a long list of Unfinished Business. We have agendas up here that you can look at. If anybody has any question on them, we will be able to go over them instead of running down the whole list. The time has not arrived yet for the first public hearing. The Town Board will entertain anybody wishing to be heard on any subject whatsoever. Bill Nohejl."

UNFINISHED BUSINESS

(Not read during the meeting for the record. Can be found on the agenda as filed under Town Board Matters)

Bill Nohejl, Wading River, "Looking over the resolutions, I'm surprised to see 678; the resolution approving the change of zone and special permit application of Justin Purchasing Corporation. I thought that this thing was long put to rest but evidently it's not."

Councilman Prusinowski, "Well Bill, I'll say one thing is that if you wait around for the meeting, you might have a little drama tonight. Because in any democracy, any resolution can be voted yes or no. We put the resolution on tonight in the affirmative. The Town Board wish to put their positions on the record and they will do so as we have the roll call vote."

Bill Nohejl, "That's what I'm up here requesting denial."

Councilman Prusinowski, "If you would like to put on the record that you are opposed to this application, you can do so now."

PERSONAL APPEARANCES Continued

Bill Nohejl, "That's what I said. I'm requesting denial."

Councilman Prusinowski, "Ok. Thank you very much. Is there anyone else wishing to address the Town Board on any matter whatsoever? Yes sir."

Daniel Janosick, Riverhead, "My name is Daniel Janosick. I've been a Riverhead resident for two months. On Saturday, November 15th at 5:30 I was involved in a very serious accident on the intersection of Parkway and Sweezy Street. The driver of the other vehicle I felt was definitely under the influence of alcohol. I asked the Police Officer at the scene to have a breathalyzer test conducted of that individual. The Police Officer responded to me; I smelt his breath, it's fine. I also insisted that that individual go to the hospital to be checked there. That was refused. And I'm wondering why wasn't a breathalyzer test issued to this individual? I received an anonymous phone call from an individual, I don't know their name. And he said this person spent the greater part of that afternoon at the VFW Hall boozing it up with his friends. If that individual would like to come forward, it's their business, I would hope they would and that's all I would like to say."

Councilman Prusinowski, "Ok. The follow up on this, we will definitely take this up. All we need from you is the time and if you write it down and leave it with the Town Clerk; the time, the location of your accident, all the field reports are signed and we will find out who the officer is and we'll ask why a breathalyzer test wasn't taken. And if you have the officer's name or badge number..."

Daniel Janosick, "I do."

Councilman Prusinowski, "Ok. If you do, if you would give that to the Town Clerk, we can definitely follow that up. That is not a problem."

Daniel Janosick, "Should I go right over there now."

Councilman Prusinowski, "Yes. If you want to sit down and write it down and give it to the Town Clerk, we'll definitely.... Leave your name and phone number and address so we can follow up."

Andrew Vinci, Attorney, "Good evening. My name is Andrew Vinci. I'm an attorney and one of my client's matters is on the public hearing matter at 8:55 p.m. Do we make an appearance at that time?"

Councilman Prusinowski, "Yes you do. If you would just step back and we'll get to that as the hearing progress. Is there anyone else in the audience wishing to address the Town Board. Mr. Kasperovich."

PERSONAL APPEARANCES Continued

William Kasperovich, Wading River, "I just arrived. I assume the Supervisor is away for a legitimate reason but then I was going to address the Town Board so that all you councilmen know and whoever is interested that comes here at the Town Board meetings would also know that Mr. Janoski refuses to discuss Town business with me in his office. I asked for an appointment at his convenience, day or night, Saturday or Sunday and Mr. Janoski comes up with feeble excuses and year after year. And then you gentlemen grumble because I get up here before the public about things that you refer to as criticism. I thought you gentlemen would want to know that criticism can not be done discreetly and in the privacy of the Supervisor's office because his door is locked. So I come here and I will speak as I feel necessary to maintain a good township where good people live. Now, it seems that periodically, the Town Board allows the public to know what is going to be acted upon and what is not. We get long sessions, many resolutions and certainly they are not completed over night. And yet when resolutions are formed, they are not made public. It seemed that when we were in the old Town Hall, the standard excuse was we had no place to post the resolutions that would be discussed at the Town Board. Now we come into a new building and the resolutions; we still don't know until we come tonight and we get this paper that tells us what you're going to act on and we certainly know that you have made up your minds before you come here in the evening. I have been following closely your last resolution 678 with regard to the Justin Purchasing Corporation because of the impropriety and very irregular presentation for application of special permit."

Councilman Prusinowski, "Bill I want to caution you. I have a public hearing at 7:45 if you conclude your remarks and then we'll have you come back up again. Ok?"

William Kasperovich, "Alright."

Councilman Prusinowski, "Ok. You can come back up here. If you would just wrap up your thoughts."

William Kasperovich, "Let me conclude this Justin. Now, my disturbing concern was that you gentlemen did not ask the questions that would have been appropriate to make a proper decision. I wrote a full page, typed single space commenting in all directions why applications should not be granted. And yet here without any further notice, you are acting on a resolution as a completed item. Consequently, the public hearings that you have, have the taint of farce."

Councilman Prusinowski, "Bill, if I could ask you to just wrap up your thoughts because I have to go to the first public hearing. It's 7:45. We'll have you back."

William Kasperovich, "Alright. Thank you."

PUBLIC HEARING

Councilman Prusinowski, "Just for the people who arrived late, I noticed some people from Wading River. The Special Permit from Joseph and Linda Sullivan scheduled at 8:15 has been delayed for two weeks due to improper posting at the site. Special Permit of Rollin and Olga Hargis has been postponed for two weeks due to a technicality in publishing as the 9:25 SEQRA Fees has been postponed for two weeks. The Town Clerk will read the notice of public hearing for the first public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, November 18, 1986 at 7:45 p.m. to hear all interested persons regarding: The Change of Zone and Special Permit Application of Robert Entenmann to change the zoning on property located on Sound Avenue from Res. "A" to Res. "C" and Recreational Use Districts and to grant a special permit to grant a special permit to construct a 222 unit residential recreational condominium on approximately 111± acres.

Correspondence:

John & Edwina Rolle, 11/14/86

Gentlemen:

We are the owners of lands on the north side of Sound Avenue adjacent to the parcel of real property which is the subject of this application. Our property extends from Sound Avenue in a northerly direction to the waters of the Long Island Sound. It is our hope and expectation to use this property for our future home site. Our property, and the property adjacent to it, which is the subject of this application, is presently zoned in Residence A Zoning District.

We strenuously object to the application which has been made by Robert Entenmann for a change of the zoning from Residence A District to Residence C District and Recreational Use District. We further object to Mr. Entenmann's application for a special permit in order to construct 222 residential units on this 111 acre parcel of farm and woodland. The construction of 222 units on this adjacent parcel of property will create a neighborhood of the character which has not been envisioned in this area. It will diminish the rural character of the area, create traffic problems and further place a strain on the natural resources of the area.

John A. Rolle  
Edwina Rolle

John & Hattie Aldrice, 11/18/86

Gentlemen:

We, the undersigned, are the owners of property in the near vicinity of the property owned by Robert Entenmann. Our property is on the north side of Sound Avenue, just east of the parcel owned by John and Edwina Rolle.

PUBLIC HEARING Continued

We stongly object to the change of zoning requested by Robert Entenmann. The construction of 222 residential units on this property would diminish the rural character of the area and create traffic problems which the area will not be able to handle.

Very truly yours,  
Hattie G. Aldrich  
John H. Aldrich

Allen Smith, Attorney for Applicant

Brief Submitted dated November 17, 1986

Councilman Prusinowski, "Just to set the rules for this evening, we have five minute limits set by resolution of the Town Board in January at our organization meeting for speakers. Once I hear people who have spoke once on any subject, you can return to the microphone for a second time for another time. We will continue the process until everybody is satisified that they have spoken their piece. We will continue each public hearing to its conclusion. We will not recess and start another public hearing. We can do that according to Town Law. Mr. Smith, I presume you are here to represent the applicant."

Allen Smith, Attorney, "I am Mr. Prusinowski. May I suggest as well I would ask somebody to help me to put the model up and to display the site plan in that the second hearing pertains to this parcel also. You might have the clerk read that notice and we can do both hearings at the same time."

Councilman Prusinowski, "Why don't we read that notice at 7:55 and we'll just continue on."

Allen Smith, "Mr. Chairman, my name is Allen Smith. I am an attorney. I represent Mr. Robert Entenmann on this particular project. Mr. Entenmann is present should the occasion warrant that we have need from input from him, he will be prepared to address any issues that are not legal or of planning nature. I'll attempt to give to the audience a description of the issues that are before the Board this evening and then I will attempt to answer any questions that will people may have that require an answer. The site is 111 acres and it runs from Sound Avenue to Long Island Sound. It is a bit west of intersection of Sound Avenue and Doctor's Path. The applications that are before to the Board relate to the imposition of the recreation use district on the property, the residential C use district which corresponds to a higher residential density district and an extension of Riverhead Water District from its current location at Dolphin Way to this particular site. Coupled with the application for this particular use at the site, is an offer of dedication by Mr. Entenmann to dedicate 80 off-site acres that are part of the Big E Farm operation into a Town of Riverhead farmland preservation program and coupled with that

PUBLIC HEARING ContinuedAllen Smith, Continued

are 40 acres controlled by the applicant on the east side of Osborne Avenue which would also be dedicated to the farmland preservation. So the total acreage under consideration is 230 acres give or take a number of acres. The off site acres would be offered to be preserved for farmland purposes and would limit the overall densities of this type of residential housing in the Town of Riverhead to one unit to the acre. What is proposed is a 222 unit recreational residential condominium. The particular recreational appeal on this particular site is tennis. There are tennis courts depicted upon the site plan and there is also a restaurant, amphitheatre, swimming pool, combination. It is targeted towards the same market as the bluffs. It is targeted towards a seasonal population of included in the site plan are the creation of several new ponds on the site. And as you will note, there is a clustered concept such that unlike the current permitted use of a residential 1-acre grid subdivision of relatively small amounts of the property would be occupied by structures. There are a number of aspects of the application that are dealt with in great detail in the environmental impact statement which has been filed with the Town Board and is on file with the Town Clerk. I will touch on a number of those. By comparisons of the year around residential occupancy, this site being seasonal, will have less impact on the public highways. The roads shown on the site are internal roads and will be privately owned and maintained. Further by comparison to the current residential A use, there is an analysis that demonstrates that the impact on the Riverhead School system from students is negligible and that the real property tax that is generated by the use of the site, I will those observations to the Board however they wish to address the Board and at that end of hearing I will attempt to answer any questions that there may be."

Councilman Prusinowski, "Before we proceed since both hearings are relevant to each other, I will as the Town Clerk to read the notice of public hearing for the 7:55 hearing."

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, November 18, 1986 at 7:55 p.m. to hear all interested persons regarding. Petition and Map for the Water District Extension #36 located at the easterly edge of Extension #23.

Councilman Prusinowski, "In essence, the applicant has asked the public water district to extend water to this project at his cost, at the developers cost. Is there any questions from members of the Town Board on this project before I proceed to the public? Ok. Not at this time. Is there anybody in the audience who wishes to address the Town Board concerning this project, either one of the public hearings on the water district extension or on the proposal of change of zone to consider the special permit of this condominium project? Mr. Nohejl."



PUBLIC HEARING Continued

Bill Nohejl, "What Allen has presented sounds very good but I think it's going to be a start of a down zoning. Half acres plot and I don't mind them developing the property according to residential A like everyone else. But to me, eventually the Town Board is going to be accused of spot zoning. Thank you."

Councilman Prusinowski, "Is there anyone in the audience wish to address? Henry."

Henry Pfeiffer, Wading River, "I have simply a question on the extension of the water district. What would be the size of piping that the main would be?"

Councilman Prusinowski, "12-inch mains. Yes that's what we require."

Henry Pfeiffer, "So in other words, so that it would be suitable should there be any other action."

Councilman Prusinowski, "Absolutely. And the developer would pay 100% of the cost of that extension."

Henry Pfeiffer, "Thank you."

Councilman Prusinowski, "Eddie Powers."

Edward Powers, Aquebogue, "The only question have, Mr. Entenmann is willing to donate or put some land into the farmland preservation. Why are we not requiring these people to put some of this land into Riverhead Town recreation department. Town of Riverhead has very little land for recreation and we need more. A huge subdivision like this, shouldn't it be required and some part of this land to be donated to Town for recreation?"

Councilman Prusinowski, "That could be a proposal that we could consider and you put it on the record and we will. Is there anyone else? Yes sir."

Robert Hartmann, Riverhead, "I'm speaking on behalf of my father tonight. He definitely couldn't make it. He wrote a letter that he asked me to read to the Town Board. Mr. Supervisor and Town Board Members: Within the last year, Tara Associates has applied for down zoning from Agricultural A 1-acre to Residence C ½-acre on a parcel located near Doctors Path, part of which is within the Riverhead Hamlet line and part of which is outside of the hamlet line. The Planning Board recommended the change to ½ acre zoning only within the hamlet and to remain 1 acre outside the hamlet line. After a Town Board hearing, the Board approved a complete down zoning which extends approximately 1,200 feet north of the hamlet line. I also made application to the Planning Board to rezone land from Agricultural A 1 acre to Residence C ½ acre which adjoins the

PUBLIC HEARING ContinuedRobert Hartmann, Continued

Tara Associates parcel. The Planning Board, in keeping with their policy, recommended denial because it was outside the hamlet line. I also had a hearing before the Town Board and to this date no decision has been rendered. Tonight a hearing is being held on the request of Robert Entenmann for a down zoning from Residence A 1 acre to Residence C ½ acre. I believe the Planning Board has recommended denial because this 111 acre parcel is approximately 1 mile north of the hamlet line. I strongly recommend that all land outside of the hamlet line remain in its present zoning. I have no objection to Mr. Entenmann developing his land according to its present zoning. But if his application is approved and zoning is changed to ½ acre, it would be a clear cut and a blatant case of spot zoning. Sincerely, Robert J. Hartmann. I would like to submit this for the record."

Councilman Prusinowski, "Sure. Ok. Bob. Thank you very much. Steve Haizlip."

Steve Haizlip, Calverton, "I want to go on record as saying 111 acres for 222 units, in my opinion, that's a little too many houses."

Councilman Prusinowski, "Thank you Steve. Short and to the point. Anyone else wishing to address the Town Board on this issue. Mr. Kasperovich."

William Kasperovich, "I moved into a seasonal community in Riverhead 40 years ago. Today it is not a seasonal community. It is a year around community and 40 years later, we are still trying to solve the problems that were generated by creating a seasonal community. Seasonal communities don't mean tinker's d--- so this terminology of seasonal is a farce. Now, we discussed a water district extension. Now, all it means to me is a geographic area that you have given nomenclature as number 36. As far as the use of the word extension, we do not have the capacity in our water system to extend a main to this large of a development. Whatever capacity we had as an (inaudible) we've reduced appreciately by allowing a main to run to the bluffs and all the branches that were created and run from that main. So if Mr. Entenmann wants to finance the enlargement of our water supply equipment and facilities in order that he may be given municipal water, well and good. But to drain our existing facilities, no. Absolutely no. Down zoning, if we allow it for one developer, how can we deny it to another developer. We spent a lot of time and money and effort to create a zoning situation to indicate how we want Riverhead to grow. Along comes a guy with a big pot full of money, the h--- with the planning. I want to do it this way. And I say; no. This is not what the area should grow as and I am opposed to this development for all the reasons I've said and I could stand here for another half hour and give you more reasons, but I won't. I think we have you gentlemen here to look after our interest in our township and I expect you to look at this from all four corners of the problem. Also take a look under the carpet and

PUBLIC HEARING ContinuedWilliam Kasperovich, Continued

see what's being swept away. Thank you."

Councilman Prusinowski, "Thank you Bill. Is there anyone else in the audience wishing to address the Town Board concerning this application or the extension of the water district? Cathy Casey. I'll get you next."

Cathy Casey, Wading River, "I simply want to say that I concur with Mr. Kasperovich. I think seasonal residence in the Town of Riverhead is virtually non-existent. I also would like to just express a thought I have and that is that I would hope that a developer who is going to foot the bill for extending the public water or the fact that he is going to foot the bill to extend the public water would not be the priority or one of the priorities for making your determination as opposed to considering the residents who are here and have been here for many years paying their taxes and have been patiently waiting for public water. And at this point, we all know have at least 2 to 5 more years to wait before they're going to get. In other words, not a new form...."

Councilman Prusinowski, "Cathy, in this particular application you're absolutely correct. The public water extension does hinge or one doesn't hinge on the other because we have public water up there fortunately for the many residents in the area who had temik contamination and if it wasn't for another development, they would still be having filters in their basements. Your situation in Wading River is a little bit different because in order to supply the public water supply, we have to.... You know the process that must take place to form these public water districts and we're in the process of forming public water districts in Wading River to address that problem. But on this particular application, one has nothing to do with the other. This is a request to meet Health Department requirements. And the applicant, as always been the policy by the Town Board, must pay 100% of the cost for extending the public water. Which by the way, is approved by an engineering consultants that the capacity is there to extend the public water."

Cathy Casey, "And I just want to make your day and ask you where's my Post Office."

Councilman Prusinowski, "I'd like to know too because it's a private contractor and that's a different subject and we'll continue that later. This young lady right there."

Janet Madawick, Riverhead, "I live on Sound Avenue just west of the property that's being discussed. I own a very small piece of property. It's been suggested to me that the size of my property doesn't give me the right to tell other people what to do with their property. I have to agree with this. This is obviously true. When I bought my property, I put all the money that I had into buying it. I was told I was buying property on what was called a historic corridor. It was the sort of property

PUBLIC HEARING ContinuedJanet Madawick, Continued

that I wanted. It was in an agricultural area. I put my future into what I bought. It was a surprise to me to find that the zoning change was from one form of residence to another form of residence when I assumed it was agricultural. I probably should have checked this before I bought my house but I didn't. I certainly have fought a change of zoning from agricultural to residence A. I don't know what's in my best interest in terms of residence A to residence B. I do know that more houses means more traffic, means more people, means less of the character that can be maintained that exists now. My immediate reaction is that I am against it. I see what I see and I don't like it. As I've said, I've been told I have no right to tell somebody what to do with their land. However, I would like to go on record as saying that I will be this mans neighbor and I'm not pleased at the prospect. The other question, the one question that I do have is considering I have a well on my property. If the public water extension is not approved, I would like to know what the alternative plan would be for this property?"

Councilman Prusinowski, "For this property, he would have to meet Health Department requirements and possibly have his own public water supply or go to..... One thing I want to clear up. When you bought your property, this was already zoned residential A which is strictly 1 unit per acre. Agricultural A has a similar zoning; one unit per acre but there is a little bit more use involved in agricultural A property. It's more farm related and ancillary businesses or ancillary uses are to that property. Residential A is strictly residential development. So the density has been the same between agricultural A and residential A. What the applicant, the private applicant is asking the Town Board is to change residential A or to approve residential A to residential C which will allow more density on this particular property. And as a trade, he's willing to covenant that certain areas in town remain open farmland in the farm bill. As far as the Health Department requirement, a subdivision could be filed here under residential A which point we could have another public hearing for another extension of the water district if the assessed valuation is there. Or he might have to provide his own public water approved by Health Department private system. Ok."

Janet Madawick, "Thank you."

Councilman Prusinowski, "Is there anyone else wishing to address the Board on this application? By the way, you have the right to come up here and put your piece on record. I don't know who told you that but they were way off base."

John Zilnicki, Riverhead, "I don't have no papers so I don't know how good I'll do here."

Councilman Prusinowski, "You're going to do fine John."

PUBLIC HEARING Continued

John Zilnicki, "I went to a lot of meetings this past winter. All these farm meetings and so forth. And we're zoned as 1 acre zoning. Then all of a sudden you had meetings, you were talking 2 acre zoning. You were afraid of the farmers. What are they going to do. They're going to sell out after that full year. So you were scared. You didn't know what to do. There was even stories in the paper there even 5 acre zoning. Now all of a sudden, I'd rather half  $\frac{1}{2}$  acre zoning. I'd rather build a house and put a house on a  $\frac{1}{2}$  acre then on a 1 acre lot and I don't care what Mr. Entenmann does. But we went through all this stuff last winter. You were talking 1 acre, 2 acre. Now all of a sudden, you're talking you want to go to  $\frac{1}{2}$  acre zoning."

Councilman Prusinowski, "No. We're not talking anything John. What I'm saying is there is an application here in front of the Town Board to ask us to rezone it down to  $\frac{1}{2}$  acre."

John Zilnicki, "Ok. That's his request."

Councilman Prusinowski, "That's exactly right."

John Zilnicki, "You're starting something new now."

Councilman Prusinowski, "We're not starting anything."

John Zilnicki, "Well he is."

Councilman Prusinowski, "Ok. Thank you."

John Zilnicki, "If he gets his way, there's a lot of land being sold, they're all going to want to start having  $\frac{1}{2}$  acres or  $\frac{1}{4}$  acre or whatever. You are now starting, they are starting something and you have to be ready for that. Now he said all I buy a 40 acre farm preservation bond. Right? Now, that's in a green-belt area. There's farmers farming on both sides of it and across the street from it. We farm near it. As soon as you get more developing, you are not going to be able to farm with this kind of influx of population coming in. They're not going to like when the helicopters spray or the spraying or irrigation motors or what not. You're talking about troubles. You guys sent letters to the agricultural committee. First time you sent letters. Those letters should have been sent 10, 15 years ago. Now you want to know if the farmers are going to farm, what are their intentions, what is their future. If something like this starts coming in, their future is already starting to get closed out."

Councilman Prusinowski, "Well that's a different issue all together and some of those points you bring up are germane to what we're talking about. However, the application before us is to rezone this property to residential C. So I would presume that you're not in favor of this application from what you're telling me? Because we're going to set a bad precedent."

John Zilnicki, "I don't really care how he goes. But I'm just saying what are you going to do if the other farmers want to start selling their farms? Now I'd like to build a house but I don't want to build a house on a 1 acre lot. I don't need a whole acre. I'd just like to have a ½ acre. But you guys better start thinking before what you do. If you want farmers to stay also, you better start thinking. He wants to buy a 40 acre lot. Forty acres, let me tell you, is not much in farming today. He should be buying 300 acres. So that's about what I got to say."

Councilman Prusinowski, "Thank you very much for coming up. Is there anyone else wishing to address the Town Board on this particular application or the extension of....? Yes."

Guy Cricchio, Wading River, "I'm not for, I'm not against. I thought I'd shed some light maybe. Maybe some people haven't heard about it or thought about it. The 100 acres or so that Mr. Lewin wants to donate...."

Councilman Prusinowski, "Mr. Entenmann."

Guy Cricchio, "Excuse me."

Councilman Prusinowski, "Mr. Entenmann. I know Mr. Lewin is your neighbor up there."

Guy Cricchio, "If he's donating this property, that would leave us rural so to speak. What I'm trying to say is a 100 acre, if you were to put a house on every acre, you'd have 100 homes right there and anything else, at least you may (looking around) done in taste through the Planning Board, it would look a little better than having all this into homes. I'm not saying it's good. I'm not saying it's bad. I don't know if I'm getting across but this is the way I speak. Ok gents?"

Councilman Prusinowski, "Ok. Thank you very much Mr. Gull. Is there anyone else out in the audience wishing to address the Town Board on this particular public hearing or application? That being the case.... Allen did you want to say something?"

Allen Smith, "Do you wish me to respond to some of the gentlemen."

Councilman Prusinowski, "That's up to you. You're the attorney for the applicant. If you wish, you may."

Allen Smith, "I'll be as brief as possible. With reference to the lady who addressed the historic corridor of Sound Avenue, you will not that this is a clustered concept that keeps the improvements well off Sound Avenue. That is done intentionally. It is some thousand feet or more before you get to the first improvements. In terms of compliance to the Sound Avenue corridor, this allows the single entry way through the trees and the trees to the east of this lady's home would remain but for the one entry way. Again, we're comparing this to the typical grid subdivision. And it is submitted that this type of a clustered approach where buildings are put essentially three quarters of the way up the property, is more consis-

PUBLIC HEARING ContinuedAllen Smith, Continued

tant with the residential uses that would have to come down to the road. With reference to Mr. Zilnicki and some of the other gentlemen who expressed concern with reference to the ½ acre zoning and the rationale attendant to ½ acre zoning. There is a study called the 208 Study that deals with ground water and ground water pollution that was conducted for the County of Suffolk and it applies to the Town of Riverhead. There are just so many places in the Town of Riverhead where the depth water and the drift of flow is in a lateral direction out towards the Sound. Properties to the north of Sound Avenue under Article 6 which is the governing regulation of the County Health Department, will permit the sanitary systems that are intended for this property and to the bluffs north of Sound Avenue will not permit those systems to the south of Sound Avenue. So that is the rationale between the two units to the acre north of Sound Avenue and one unit to the acre to the south of Sound Avenue down to 25. The last issue such that is clear and I may be reading something that someone offered. The 120 off site acres, the 40 acres on Osborne Avenue and the balance of the acreage at the Entenmann farm will not be developed. We're not saying that the property up on Osborne Avenue would ever be developed. It will go into a Town of Riverhead or Suffolk County farmland preservation program just the way the Talmadge farm has gone into the program which abutts the particular parcel that is being offered to the east. So that again, you get those 120 acres that in fact, will remain vacant or farmland purposes in perpetuity. I believe those were the issues raised. I thank you for the opportunity."

Councilman Prusinowski, "Is there anyone else wishing to address the Town Board on this particular public hearing. Yes Mr. Wulforst."

Cyril Wulforst, Baiting Hollow, "I'd like to ask Allen where he had mentioned a thousand feet off Sound Avenue would be left open or what?"

Councilman Prusinowski, "Yes. It's right there on the..."

Cyril Wulforst, "Well I can't make it out. What is it to be left in?"

Allen Smith, "What is shown on the drawing for those who can not see it, the property is a longer narrower parcel and the first several thousand feet are left as trees. We created a pond in one area and it either can be open space or planting."

Cyril Wulforst, "Who would own it?"

Allen Smith, "It would be owned by the condominium and maintained by the association."

Cyril Wulforst, "Allen also mentioned that the parcel on Osborne Avenue would be left in the same state as county land or it would be put in through a town agricultural district. Well we don't have any in town. I don't know if we can put one up but we discussed that and we thought that the town could not run in a

PUBLIC HEARING ContinuedCyril Wulforst, Continued

preservation program because of the change of the Board each four years and do what they like with it. So we have to come up with a better idea."

Councilman Prusinowski, "It's my understanding that a proposal like this, they would have individual covenants filed with the County Clerk's Office which would prohibit them from developing that property."

Cyril Wulforst, "The next Board couldn't change it?"

Councilman Prusinowski, "No. Only a, I believe you'd have to have a lawsuit litigation."

Cyril Wulforst, "Ok. Thank you."

Councilman Prusinowski, "Is there anyone else wishing to address the Town Board on this particular issue? Yes. Betty Brown."

Betty Brown, Pec. Bay Blvd., "Good evening."

Councilman Prusinowski, "Betty why don't you just tip the microphone. Eric tip the microphone down so Betty can be heard by all the people out there. Thank you. Very good."

Betty Brown, "Ok. Thank you. I would like to speak for myself but first I am speaking for the Northfork Environmental Council and they would like to urge the Board to deny this application before you this evening for 222 condominium units on Sound Avenue. The worry being the traffic to the historic corridor, that the down zoning, spot zoning and all the problems, that I think you had received a letter and these questions were addressed. I would also like to speak for myself this evening. It appears that this spot zoning is being considered greatly upon the merit of dedicated preserved farmland which is of course very tempting. Is this a reason to consider a spot zone in a legal light? Or is this actually a beginning of a TDR program that is in the imagination of many and the reality of none? I fear that the cart is before the horse in this case. If this area is to be considered a recreational zone, it would only be a suggestion that the Board set bounds and limits and properly address the traffic problem in this area. The suggestion that the application, the applicant is attempting to... I suggest that the applicant is attempting to buy his zone change and I urge you to deny this."

Councilman Prusinowski, "Betty I do want to ask you one question though. I would ask that the.... And I think I'm speaking for the Town Board. I'd like the Northfork Environmental Group give us some written recommendations on how they think the Town of Riverhead should preserve open farmland. I really would like that because you know we're in the process of considering these things. Obviously we had a TDR hearing a few years ago and everybody was



PUBLIC HEARING ContinuedCouncilman Prusinowski, Continued

skeptical on it. So I think we're really looking for some input and it is germane to this particular application because it will be crucial in us making a decision on how we go. Also I would like to ask them to give us some information if this was residential A one acre zoning, would they be in favor of a less dense condominium unit up here which we will need to know that too."

Betty Brown, "Ok. I would just like to say that a TDR program is a great consideration but our town does not have provisions for that yet."

Councilman Prusinowski, "As of yet. That's correct."

Betty Brown, "And this seems like we're jumping into, to put something in place for TDR when we have not put TDR in place as of yet."

Councilman Prusinowski, "Ok. Good point. Is there anyone else wishing to address the Town Board? Yes."

Bernadette Voras, Reeves Park, "I would like to say just a couple of words. That picture over there is what I bought into in this town. I've been here only 7 years but I bought rural. I bought country. I did not buy condo. I live in the Sound Avenue area. I want this town kept, town in here, I want it kept rural and I mean country out of town. That does not mean to me condo. It can mean single family units with larger pieces of property, yes. But not condo along with hotels and everything else. I think that's what Riverhead is all about. I do not want to see Riverhead become Hempstead of the east and it's heading for it in my opinion."

Councilman Prusinowski, "Thank you very much ma'am. Is there anyone else wishing to address the Town Board on this issue? That being the case, I declare the 7:45 and the 7:55 hearing to a close. I will now open up the meeting to anyone else... Oh no. We have, I'm sorry. We'll go right to the 8:05 public hearing. The Town Clerk will read the notice."

7:45 & 7:55 PUBLIC HEARINGS CLOSED AT 8:29

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, November 18, 1986 at 8:05 p.m. to hear all interested persons regarding: The Proposed Adoption of a Local Law of 1986 entitled "Condominium Map Approval".

Councilman Prusinowski, "The Town Attorney will explain to the public what the purpose of the public hearing is."

PUBLIC HEARING Continued

Richard Ehlers, "Good evening. First, my apologies for my voice. I'm going to lose it before the night is out. This proposal is a little different from the previous public hearing in that it is a proposal to impose fees upon applicants seeking to file condominium maps. Generally the procedure to reduce a condominium from the concept you see on the table before you to an actual condominium that can be sold is the filing of a condominium map with the County Clerk. That requires the approval of the Town Planning Board. Upon the advice and consent of the County Planning Commission, it is proposed that if those approvals are granted before a such a map may be signed by the Clerk of the Planning Board, a fee equal to \$2,000 per unit must be paid to the Town of Riverhead. This has been variously termed a turn key fee and a recreational fee. It should be distinguished from the recreational fee which will be the subject of the subdivision \$2,000 fee which will be a later public hearing this evening. This fee is not tied to recreational purposes only but is designed to recognize that a condominium such as the one proposed, will by its very nature require an increase in the public services. Specifically the road system and other infrastructure of the town and that is the reason for which this fee would be imposed. It would be a fee which would have to be paid at the time the map is filed. That is significant because the filing of the map is the time which triggers the ability of the proponent of the project to actually sell the condominium units."

Councilman Prusinowski, "Is there anyone wishing to address the Town Board on this subject? That being the case, I declare the hearing closed and we'll proceed to resolutions."

8:05 PUBLIC HEARING CLOSED AT 8:31

RESOLUTIONS

Irene Pendzick, "I have combined the first 4 resolutions for Mr. Boschetti, Councilman Boschetti because they are so similar."

#651 AUTHORIZES SUPERVISOR TO APPLY TO NYS EXECUTIVE DEPT.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

RESOLVED, that the Supervisor be and hereby is authorized to sign and submit an application to the New York State Executive Department, Division for Youth, for the support of a Riverhead Recreation Project in 1987.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

RESOLUTIONS Continued

- #652 AUTHORIZES THE SUPERVISOR TO APPLY TO NEW YORK STATE EXECUTIVE DEPARTMENT, DIVISION FOR YOUTH FOR SUPPORT OF A RIVERHEAD JUVENILE AID BUREAU.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

RESOLVED, that the Supervisor be and hereby is authorized to sign and submit an application to the New York State Executive Department, Division for Youth, for the support of a Riverhead Juvenile Aid Bureau in 1987.

The Vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

- #653 AUTHORIZES THE SUPERVISOR TO APPLY TO NEW YORK STATE EXECUTIVE DEPARTMENT, DIVISION FOR YOUTH FOR SUPPORT OF A RIVERHEAD TEEN CENTER.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

RESOLVED, that the Supervisor be and hereby is authorized to sign and submit an application to the New York State Executive Department, Division for Youth for support of a Riverhead Teen Center in 1987.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

- #654 AUTHORIZES THE SUPERVISOR TO APPLY TO NEW YORK STATE DEPARTMENT, OFFICE OF THE AGING FOR THE SUPPORT OF RIVERHEAD TOWNSHIP SENIOR CITIZENS CLUB.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

RESOLUTIONS Continued:

RESOLVED, That the Supervisor be and hereby is authorized to sign and submit an application to the New York State Executive Department, Office for the Aging, for support of Riverhead Township Senior Citizen Clubs in 1987.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#655 TRANSFER OF FUNDS

Councilman Pike offered the following resolution, which was seconded by Councilman Boschetti.

RESOLVED, That the Supervisor be, and hereby is, authorized to transfer the following General Town Accounts:

FROM:

#1355.200 -----Board of Assessors Equipment \$185.00

TO #1355.420 -----Board of Assessors Office  
Supplies \$185.00

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#656 ACCEPTS BOND OF CENTURY FARMS EAST

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Lombardi.

WHEREAS, the Riverhead Planning Board, by resolution dated June 19, 1986, approved the subdivision map of Century Farms East, subject to the posting of a bond in the amount of \$380,000., covering the cost of the improvements required by said resolution; and

WHEREAS, a bond secured by a letter of credit has been forwarded to the office of the Town Attorney who has reviewed same for form; and

WHEREAS, as a further condition the Planning Board has required assurance that dry water mains in accordance with the plans and specifications by the engineers of the water district be installed.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the resolution of the Riverhead Planning Board, the Town Board of the Town of Riverhead does hereby accept the bond of Century Farms East covering the improvements directed by the Planning Board and the surety for the installation of the dry water mains; and be it further

RESOLVED, that a copy of these documents be filed with the Town Clerk; and be it further

RESOLUTIONS Continued;

RESOLVED, that the Town Clerk be and is hereby authorized to forward certified copies of this resolution to Charles Cuddy, Esq., attorney for Century Farms East, and the Riverhead Planning Board.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#657 APPROVES POSTING OF BOND FOR LOUIS BONAVIDA & SONS, INC.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, the Riverhead Planning Board, by resolution dated September 4, 1986, approved the subdivision map of Duck Pond Estates, subject to the posting of a bond in the amount of \$550,000.00 covering the cost of the improvements required by said resolution; and

WHEREAS, a surety bond has been forwarded to the office of the Town Attorney who has reviewed same for form; and

WHEREAS, as a further condition the Planning Board has required assurance that dry water mains in accordance with the plans and specifications by the engineers of the water district be installed.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the resolution of the Riverhead Planning Board, the Town Board of the Town of Riverhead does hereby accept the bond of Louis Bonavita & Sons, Inc., covering the improvements directed by the Planning Board and the surety for the installation of the dry water mains; and be it further

RESOLVED, that a copy of these documents be filed with the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward certified copies of this resolution to Peter S. Danowski, Jr., Esq., attorney for Louis Bonavita & Sons, Inc., and the Riverhead Planning Board.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#658 ACCEPTS BOND OF ANTHONY ALIPERTI (NORTH FORK WOODS)

Councilman Boschetti offered the following resolution, which was seconded by Councilman Pike.

WHEREAS, the Riverhead Planning Board, by resolution dated October 21, 1986, approved the subdivision map of "North Fork Woods", subject to the posting of a bond in the amount of \$103,000. covering the cost of the improvements required by said resolution; and

WHEREAS a performance bond has been forwarded to the office of the Town Attorney who has reviewed same for form; and

11/18/86

RESOLUTIONS Continued:

WHEREAS, a furtherance condition the Planning Board has required assurance that dry water mains in accordance with the plans and specifications by the engineers of the water district be installed.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the resolution of the Riverhead Planning Board, the Town Board of the Town of Riverhead does hereby accept the bond of "North Fork Woods" covering the improvements directed by the Planning Board and the surety for the installation of the dry water mains; and be it further

RESOLVED, that a copy of these documents be filed with the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward certified copies of this resolution to Anthony Aliperti, P.O. Box 149, Shirley, New York, 11967, and the Riverhead Planning Board.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#659 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF ESTOPPEL  
RE: FAUS/NEW YORK STATE DEPARTMENT OF TRANSPORTATION STREET  
RECONSTRUCTION

Councilman Pike offered the following resolution, which was seconded by Councilman Boschetti.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following Notice of Estoppel regarding the FAUS/New York State Department of Transportation street reconstruction.

BY ORDER OF THE TOWN BOARD  
 OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, TOWN CLERK

TOWN OF RIVERHEAD

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the resolution published herewith has been adopted by the Town Board of the Town of Riverhead, Suffolk County, New York, on October 7, 1986, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purposes for which said Town is not authorized to expend money, or if the provisions of law which should have been complied with as of the

RESOLUTIONS Continued:

date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Dated: Riverhead, New York  
November 18, 1986

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Town Clerk

BOND RESOLUTION DATED OCTOBER 7, 1986

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$51,775 SERIAL BONDS AND \$2,725 CAPITAL NOTES OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY SAID TOWN'S SHARE OF THE COST OF THE SO CALLED FAUS/NEW YORK STATE DEPARTMENT OF TRANSPORTATION DANGEROUS INTERSECTION AND STREET RECONSTRUCTION PROGRAM IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the class of object or purposes of paying the Town of Riverhead's share of the cost of the so called FAUS/New York State Department of Transportation dangerous intersection and street reconstruction program in and for the Town of Riverhead, Suffolk County, New York, there are hereby authorized to be issued 51,775 Serial Bonds and \$2,725 Capital Notes of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such class of objects or purposes is \$54,500, and the plan for the financing thereof is as follows:

- a) By the issuance of the \$51,775 serial bonds of said Town, authorized to be issued pursuant to this bond resolution; and
- b) By the issuance of the \$2,725 capital notes of said Town authorized to be issued pursuant to this bond resolution. Such capital notes shall be sold at private sale and all further powers in connection with the details and the sale thereof are hereby delegated to the Supervisor, the chief fiscal officer, in accordance with the Local Finance Law. Pursuant to Section 107.00 of the Local Finance Law, the proceeds from the sale of such capital notes will be provided prior to

11/18/86

RESOLUTIONS Continued:

the issuance of the bonds herein authorized or bond anticipation notes. Said capital notes shall constitute the down payment required by Section 107.00 of the Local Finance Law.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20 (c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. The validity of such bonds, capital notes and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. Upon this resolution taking effect, the same shall be published in full in The News-Review, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.



Section 8. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

Date: November 18, 1986

BY ORDER OF THE TOWN BOARD  
TOWN OF RIVERHEAD, NEW YORK

IRENE J. PENDZICK, TOWN CLERK

The Vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#660 APPROVES TEMPORARY INTERN FOR TOWN ATTORNEY'S OFFICE

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Lombardi.

RESOLVED, that Marcy Kucera be and is hereby appointed as an intern to the Town Attorney for the period December 29, 1986, through January 23, 1986, at the hourly compensation of \$5.50 per hour; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Marcy Kucera at Box 311A Clinton Hall, SUNY AB, Amherst Campus, Buffalo, New York, 14261, and the Town Attorney.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#661 AUTHORIZES FRANCIS J. YAKABOSKI, ESQ. TO APPEAL CASE

Councilman Lombardi offered the following resolution, which was seconded by Councilman Prusinowski.

RESOLVED, that Francis J. Yakaboski, Esq., be and is hereby authorized to file a notice of appeal of the judgment rendered by the Hon. Justice Canudo in the matter of the certiorari petitions of Northville Industries, Inc.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#662 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: AMENDMENT TO RIVERHEAD TOWN CODE

Councilman Boschetti offered the following resolution, which was seconded by Councilman Pike.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to amending the Riverhead Town Code.

RESOLUTIONS Continued:PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of December, 1986, at 7:45 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to amending the Riverhead Town Code by deleting residences in the Industrial A and B zoning use classification district.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#663 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: SPECIAL PERMIT APPLICATION OF DEIDRE FEDUN

Councilman Pike offered the following resolution, which was seconded by Councilman Prusinowski.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to the Special Permit application of Deidre Fedun.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of December, 1986, at 7:55 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the special permit application of Deidre Fedun for the construction of professional offices to be located on Main Road, Aquebogue, New York.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, TOWN CLERK

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#664 APPOINTS SENIORS HELPING SENIORS HOME AIDE

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, a vacancy exists in the Home Aide Program.

RESOLUTIONS Continued:

NOW, THEREFORE, BE IT RESOLVED, that IRMA SANDERS, be and is hereby appointed to the position of Home Aide effective November 20, 1987 at the hourly rate of \$4.00.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#665 ACCEPTS DRAFT ENVIRONMENTAL IMPACT STATEMENT OF PROSPERO PROPERTIES, II (THE VILLAGE GREEN AT BAITING HOLLOW)

Councilman Lombardi offered the following resolution, which was seconded by Councilman Prusinowski.

WHEREAS, this Town Board has received the Draft Environmental Impact Statement of Prospero Properties, II (The Village Green at Baiting Hollow) seeking permission to develop a 189.1414 acre parcel by creating a 169 lot major cluster subdivision on property located at the intersection of Edwards Avenue and Sound Avenue, Baiting Hollow, New York, and

WHEREAS, the Town Board has reviewed said Draft Environmental Impact Statement.

NOW, THEREFORE, BE IT RESOLVED, this Town Board does hereby authorize the distribution and publication of the attached Notice of Completion and Notice of Public Hearing of the DEIS of Prospero Properties, II seeking permission to develop a 189.1414 acre parcel by creating a 169 lot major cluster subdivision on a parcel located at the intersection of Edwards Avenue and Sound Avenue, Baiting Hollow, New York.

TOWN OF RIVERHEAD

NOTICE OF COMPLETION OF DRAFT EIS  
and  
NOTICE OF PUBLIC HEARING  
OF PROSPERO PROPERTIES, II

(The Village Green at Baiting Hollow)

Lead Agency: Town Board  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11901

Date: November 18, 1986

This notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

A Draft Environmental Impact Statement has been completed and accepted for the proposed action described below. Comments on the Draft EIS are requested and will be accepted by the contact person until December 19, 1986. A public hearing on the Draft EIS will be held on Tuesday, December 9, 1986 at 7:30 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York.

RESOLUTIONS Continued:

The purpose of the hearing is to solicit comments from the public on the Draft EIS and particularly on the Environmental Impact issues identified below.

Title of Action:     Prospero Properties, II  
                          Baiting Hollow, New York

Description of  
 Action:

The proposed action is to develop a 189.1414 acre parcel by creating a 169-lot major cluster subdivision for the development of single-family residences at the intersection of Edwards Avenue & Sound Avenue, Baiting Hollow, NY, incorporating roads, drainage systems, open space preservation areas and a water supply system.

Proposed individual lots will range in area from 20,000 s.f. to 479.160 s.f. and will be serviced by a public water supply system developed through an extension of the Riverhead Water District if water supply lines are brought to Edwards Avenue or if unavailable, by a private water system approved by S.C.D.H.S.

Proposed Environmental Impacts:

Sanitary waste disposal, farmland and open space preservation, traffic storm water management, erosion of critical slopes, habitat protection, and impact on community service.

Copies of the Draft EIS may be obtained from:

Riverhead Town Clerk  
 Riverhead TownHall  
 200 Howell Avenue  
 Riverhead, NY 11901  
 516-727-3200

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#666 AUTHORIZES HELP WANTED AD, RE: PUBLIC SAFETY DISPATCHER I  
 WITH THE POLICE DEPARTMENT

Councilman Boschetti offered the following resolution, which was seconded by Councilman Pike.

BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Help Wanted Ad in the November 20, 1986 issue of The News Review.

TOWN OF RIVERHEAD

HELP WANTED

RESOLUTIONS Continued:

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking qualified individuals to serve in the position of Public Safety Dispatcher I. Applicants must be at least 18 years of age, must possess a High School Diploma, and have a clear, concise speaking voice. Applicants should take note that acceptance of this position will involve shift work. Interested individuals must submit an application to the Accounting Department, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m. weekdays. No applications for this position shall be accepted after November 28, 1986. The Town of Riverhead does not discriminate on the basis of race, color, national origin, sex, age and handicapped status in employment or the provision of services.

Dated: November 18, 1986

BY ORDER OF THE RIVERHEAD  
TOWN BOARD

Irene J. Pendzick  
Town Clerk

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#667 DECLARES REPAIRS MADE RE: LANDFILL EQUIPMENT AS EMERGENCY

Councilman Pike offered the following resolution, which was seconded by Councilman Boschetti.

WHEREAS, in order to continue to comply with DEC regulations, it was necessary to authorize, by purchase order, the immediate repair of the 560 International vehicle used by the Town of Riverhead Sanitary Landfill, and

WHEREAS, this repair has been completed by Edward Ehrbar and the total cost of the emergency repair amounted to \$16,000.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead ratifies the emergency repair of the 560 International by Edward Ehrbar in the amount of \$16,000.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#668 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: AMENDMENT TO THE RIVERHEAD TOWN CODE

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to amending Section 108-64 of the Riverhead Town Code.

RESOLUTIONS Continued:PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of December, 1986, at 8:15 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to amending Section 108-64 as follows:

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, TOWN CLERK

\*broken lines represent deletion (s).  
\*\*underscore represents addition (s).

§108-64. Prefabricated dwellings [Amended 7-3-79]

No building or other structure which is prefabricated or which is constructed, manufactured, built or fabricated at a place other than the site on which it is to be located or used ~~shall be used as a dwelling, except in a mobile home park or travel trailer park and except as a seasonal agricultural dwelling under §108-21C(4) of this chapter.~~ shall be placed or maintained on real property within the Town of Riverhead, unless:

- ~~A. It complies with the provisions of the laws, ordinances, rules and regulations of all state, federal and local agencies or bureaus applicable to such use.~~
- ~~B. It is affixed to the site by means of a permanent foundation.~~
- ~~C. It is not located in a Residence A or Residence B District.~~
- ~~D. It shall have been authorized by special permit of the Board of Appeals as hereinafter provided in §108-76 of this chapter.~~

A. It is a modular home (as defined in Section 7-4 herein), and meets the following requirements:

- 1. It is permanently affixed to a full cellar or a permanent foundation, and
- 2. It is located in accordance with the rules and regulations concerning the placement of single family dwellings within the Town of Riverhead as detailed in this Chapter, or

B. It is a mobile home located in a mobile home park and meets the following requirements;

- 1. It is installed and maintained on an individual site within a mobile park which individual site must have been in legal use or authorized for use by all required Town agencies prior to November 1, 1986, and,
- 2. It has a minimum length of 40 feet, or

C. It is a single family residence (not a mobile home or a modular) being moved from one site to another; and meets the following requirements:

1. It is permanently affixed to a full cellar or a permanent foundation, and

2. It is located in accordance with the rules and regulations concerning the placement of single family dwellings within the Town of Riverhead as detailed in this Chapter.

3. It is brought into compliance with the current New York State Building Code, and

D. It is allowed under Paragraphs A or C above and if it is in the Residential A, B or C or Agricultural A zoning districts, an approval is obtained from the Zoning Board of Appeals affirmatively finding, in writing, that

1. the architecture, design and location of the proposed dwelling will maintain or improve detract from the existing character of the surrounding neighborhood, and

2. the approval is consistent with the Master Plan for the area.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, absent.

The resolution was thereupon declared duly adopted.

#669 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: AMENDMENT TO THE RIVERHEAD TOWN CODE

Councilman Lombardi offered the following resolution, which was seconded by Councilman Prusinowski.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to amending Section 108-3 of the Riverhead Town Code.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of December, 1986, at 8:05 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to amending Section 108-3 of the Riverhead Town Code by adding the following definitions:

Accessory Storage Structures - An enclosed space designated and designed to provide auxiliary general storage space for an individual unit of manufactured housing, but such space shall not exceed 80 square feet.

Carport - A structure which is without sides and whose roof is supported by pillars, attached to or away from a mobile home, and whose primary purpose is to house automobiles and which shall be considered open area.

Community Recreational Area - An area or space within a mobile home park or manufactured housing community including fences, walls and other minor constructions, which is designed for joint use by occupants.

Community Structure - A structure within a mobile home park or manufactured housing community which houses common facilities such as laundry, toilets, recreation, parking, storage, and also including a management office.

Manufactured Housing - A dwelling unit, or units, designed and built in an off-site manufacturing facility for installation or assembly at the building site, including a mobile home and a modular home as defined in this chapter.

Mobile Home -

1. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a Housing and Urban Development seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code; and

2. Which unit is transportable, designed and built in one or more sections and is built on a permanent chassis comprised of frame and wheels and designed and constructed to be towed thereon; and

3. Which unit in the travelling mode is eight (8) overall body feet or more in width and forth (40) overall body feet or more in length and when erected on site yields 400 or more square feet of dwelling space; and

4. Which unit is designed to be erected with or without a permanent chassis and frame; the permanent chassis and frame shall be designed and constructed to be an integral part of the flooring system; and

5. Which unit is to be used as a dwelling by one family when connected to utilities and which includes the plumbing, heating, air conditioning, and/or electrical systems therein; and

6. Which unit may contain parts which may be folded or collapsed or telescoped when being towed and expanded later to provide additional cubic capacity and includes two or more separately towable components designed to be used exclusively for residential purposes. This Definition specifically excludes travel trailers.

Mobile Home Lot - A designated site within a mobile home park designed for the exclusive use of a single mobile home.

Mobile Home Park - Any parcel of land which is or has been planned, improved or used for the placement of two (2) or more mobile homes occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodation. Travel trailers are prohibited accommodations in mobile home parks.

Modular Home -

1. A dwelling unit fabricated in an off-site manufacturing modular facility for installation or assembly at the building site, bearing or accompanied by a seal or other documentation certifying that it is built in compliance with the New York State Fire Preven-



RESOLUTIONS Continued:

tion and Building Code; and

2. Which is transportable in one or more sections, such transportation being on a temporary chassis designed and constructed to be towed thereon; and

3. Which when erected on site yields a minimum of 900 square feet of dwelling space; and

4. Which is designed and intended to be permanently placed on a permanent foundation; its chassis, framework, wheels, axles and hitch mechanisms to be removed at the permanent site; and

5. Which is to be used as a single family dwelling and shall be connected to utilities. The unit shall include plumbing, heating, air-conditioning and/or electrical systems; and

6. Which unit may contain parts which may be folded or collapsed or telescoped when being towed and expanded later to provide additional cubic capacity.

Patio Awning - A structure attached to a mobile home for the purpose of providing sheltered outdoor living, which structure, in addition to the wall of the mobile home, is enclosed by one (1) additional wall and shall be considered open area unless further enclosed as to provide another room,

Park - A mobile home park as defined herein.

Permittee - Any person, who has obtained a permit to operate and maintain a mobile home park under the provisions of this ordinance unless otherwise specified, responsibility for compliance with this chapter shall be that of the permittee.

Person - Any natural individual, firm, trust, partnership, association or corporation.

Shall - The word "shall" is always mandatory and not merely directory.

Travel Trailer - Any vehicle mounted on wheels, moveable either by its own power or by being drawn by another vehicle, designed and equipped to be used as a temporary dwelling for travel, recreational or vacation uses and yields 400 sq. ft. or less of dwelling area or is 40 overall body feet or less in length.

Unit - A mobile home or mobile home unit.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, TOWN CLERK

\*broken lines represent deletion (s)

\*\*underscore represents addition (s)

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#670 AUTHORIZES PUBLIC HEARING RE: PARKING DISTRICT EXTENSION

Councilman Boschetti offered the following resolution, which was seconded by Councilman Pike.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a Notice of Public Hearing for the extension of the Riverhead Parking District No. 1.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd of December, 1986, at 8:35 p.m. at the Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to extending the Riverhead Parking District No. 1 as described in EXHIBIT A annexed.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

EXHIBIT A

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Riverhead, Suffolk County, New York, bounded and described as follows:

BEGINNING at a point in the westerly side of Maple Avenue, distant 189.24 feet northerly as measured along the westerly side of Maple Avenue from the corner formed by the intersection of the westerly side of Maple Avenue with the northerly side of East Main Street; RUNNING TENCE from said point of beginning along land formerly of William P. Flanagan, now or formerly of Vincent A. Doroszka, South 76° 36' 20" West 81.93 feet to land now or formerly of Riverhead Methodist Church;

THENCE RUNNING along said last mentioned land the following three (3) courses and distances:

1. North 21° 47' 30" West 59.36 feet;
2. North 20° 10' 50" West 2.30 feet;
3. North 76° 37' 20" East 90.31 feet to the westerly side of Maple Avenue;

THENCE along the westerly side of Maple Avenue, South 13° 55' 00" East 61 feet to the point or place of BEGINNING.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#671 APPROVES SPECIAL PERMIT OF FRED MC LAUGHLIN

Councilman Pike offered the following resolution, which was seconded by Councilman Boschetti.

WHEREAS, by application dated September 16, 1986, Fred McLaughlin, did apply to this Town Board for a special permit to construct an additional chapel at premises located 336 Marcy Avenue, Riverhead, New York; and

WHEREAS, this matter was referred to the Planning Board for their review and recommendation; and

WHEREAS, by letter dated October 2, 1986, the Planning Board recommended that the special permit be approved; and

WHEREAS, on the 5th day of November, 1986, this Town Board held a public hearing wherein all persons wishing to be heard were heard; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a type II action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review on the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the special permit applied for will be a Type II action without a significant impact upon the environment pursuant to the State Conservation Environmental Law.

NOW, THEREFORE, BE IT

RESOLVED, the Town Board determines that:

- a. The use will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood;
- b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;
- c. The health, safety, welfare, comfort, convenience and order of the town will not be adversely affected by the authorized use;
- d. Such use will be in harmony with and promote the general purposes and intent; and be it further

RESOLVED, that the premises covered by this special permit shall be maintained on conformity with such plan which may from time to time be approved by the Riverhead Town Board; and be it further

RESOLVED, that the Town Clerk is authorized to forward a certified copy of this resolution to Fred McLaughlin and the Riverhead Building Department.

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#672 AUTHORIZES PUBLICATION OF PUBLIC HEARING NOTICE

Councilman Prusinowski offered the following resolution, which was seconded by Councilman Lombardi.

WHEREAS, by resolution of the Town Board, publication of a public hearing was authorized for a public hearing to be held on November 18, 1986, at the Town Hall regarding the application of Rollin and Olga Hargis to expand their existing mobile home park; and

WHEREAS, publication was made in the newspaper; and

WHEREAS, there has arisen a question as to the posting of the property regarding said public hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to the application of Rollin and Olga Hargis to extend their existing mobile home park.

#### PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of December, 1986, at 8:45 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the application of Rollin and Olga Hargis to expand their existing mobile home park from 11 units to 123 units.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, TOWN CLERK

The vote, Boschetti, Yes, Pike, Yes, Prusinowski, Yes, Lombardi, Yes, and Janoski, Absent.

The resolution was thereupon declared duly adopted.

#### #673 AUTHORIZES PUBLICATION OF PUBLIC HEARING NOTICE RE: APPLICATION OF JOSEPH & LINDA SULLIVAN

Councilman Lombardi offered the following resolution, which was seconded by Councilman Prusinowski.

WHEREAS, by resolution of the Town Board, publication of a public hearing was authorized for a public hearing to be held on November 18, 1986, at the Town Hall regarding the application of Joseph & Linda Sullivan to expand their existing mobile home park; and

WHEREAS, publication was made in the newspaper; and

WHEREAS, there has arisen a question as to the posting of the property regarding said public hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to the application of Joseph & Linda Sullivan to extend their existing mobile home park.

#### PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of December, 1986, at 8:55 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the application of Joseph and Linda Sullivan to expand their existing mobile home park by 32 units.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, TOWN CLERK

RESOLUTIONS

1094.

Councilman Prusinowski, "Before we do that, yes."

Joel Markowitz, Attorney, "May I be heard on behalf of the applicant?"

Councilman Prusinowski, "Ok. I'll second that. This is on the Joseph and Linda Sullivan. I'll second that and open it up to you. State your name and business."

Joel Markowitz, "My name is Joel Markowitz. I'm an attorney in Smithtown, New York. I represent Joseph and Linda Sullivan who are here today and I'm here today and I am prepared to proceed with the public hearing. It was called to my attention yesterday by the Town Attorney that there is in fact a problem concerning posting. I've now had an opportunity to read the posting sections of the Town Code and it appears to me that there is apparently some amorphous requirement of posting in section 108-3. However, there is nothing in the section that provides where the notice is to be posted on the premises. There's nothing in the section that provides how long the notice is to be posted on the premises. And in some, the applicant is left to his own devices in terms of where on the premises to put the sign. I think that under those circumstances, we'd be unfair to postpone a hearing that we've waiting 4 months to have by reason of a defective posting. I'd also point out to the Board that the very next paragraph of 108-3 provides for the method of giving notice of the public hearing phase of an application for a special permit and that refers to specifically section 265 of the Town Law. Now, in 1972 there was a posting requirement in section 265 of the Town Law. But in 1962 that was omitted from the Town Law because the legislature felt (as is obvious) that posting is not calculated to give anybody notice of anything in particular. We are here to proceed. We understand that the surrounding land owners have been given notice. There has been public notices published in the newspaper. There are people present (no doubt) to prepare to speak on the application. Members of the community, some of whom I recognize from past years. And I would just like to voice my objection to an adjournment. If there is to be one, I'd ask that the Board give us some guidance as to how to do the posting because the statute doesn't give us any guidance. Thank you."

Councilman Prusinowski, "Councilman Pike."

Councilman Pike, "Counselor, could you just please advise exactly what was done to give reasonable notice to people in terms of posting on the site."

Joel Markowitz, "There was a sign that was posted on the site which is what the ordinance requires. That was what was done."

Councilman Pike, "Could you be a little bit more specific?"

Joel Markowitz, "Not any more specific than what the ordinance is."

RESOLUTIONS Continued

Councilman Pike, "Could you be more specific as to the facts."

Joel Markowitz, "No. I can't be any more specific than that there was posting on the premises. That what's the ordinance requires. That's what we did and we're here to proceed."

Councilman Pike, "Ok. I'll ask you another question. Could a person driving by a car, read the sign?"

Joel Markowitz, "I don't think that a person driving by in a car could read the sign if the sign were nailed to the car."

Councilman Pike, "I'm asking you, not hypothetical Counselor, I'm asking you as a question of fact."

Joel Markowitz, "No. No one could read the sign from a car even if the sign were posted right on the property line."

Councilman Pike, "If someone were standing in the middle of the road, could they have read the sign?"

Joel Markowitz, "No. No one could read the sign that if it posted anywhere on the property."

Councilman Pike, "Are you telling me that if I were holding up the sign...."

Joel Markowitz, "If they walk up to the sign and the sign is two feet from the property line."

Councilman Pike, "Are you trying to tell me that if I were holding up the sign you posted, you couldn't read it?"

Joel Markowitz, "I am certainly telling you that."

Councilman Pike, "Then if nobody could read it from this distance, how could anybody have been advised by your posting?"

Joel Markowitz, "People were advised by the method that is calculated to give them advice which is the publication in the newspaper which is all that the law requires for a change of zone and certainly there should be no greater requirement for a special permit. Not when the ordinance is that unspecific."

Councilman Pike, "If you're telling us that we should proceed with this hearing when you yourself admit that if I hold up this sign, you couldn't read it. I think you are being, in law school say, exalting a form of resubstance. The basic thing we want to do here is to make sure that everybody is given notice and not technical compliance. You have to take steps to post, to give a reasonable person the opportunity driving by or walking by to observe and read the sign. If you admit to me that you standing there could not have read the sign, it hasn't happened. We have to adjourn and you can object all you want. This

Councilman Pike, Continued

is a moral thing more than a legal thing. And if people don't know about it, we have to adjourn."

Joel Markowitz, "I think that what the Board is doing is exalting a form of resubstance because I think that ample notice was given to the public by means of publication which notices always given to the public at these hearings. You can see that there are plenty of people here that responded not to signs posted on property but I'll bet that they responded to the notice published in the place where notices are always published."

Councilman Prusinowski, "Counselor the Town Attorney would like to add one point to this."

Richard Ehlers, "Based on a complaint last week, Mr. Markowitz I sent you a note indicating that there was a complaint that the sign was improperly posted. We discussed it on the phone today. I sent the code enforcement officer out to the site. He took a photograph from the road and paced off the distance. It's 126 feet from the road to where the sign is posted in the middle of a field with no trees around it, just long grass and the sign sits in the middle of the long grass. I forwarded that photograph when I received it to the Town Clerk for inclusion in her file. It is based on that I recommended to the Town Board that in order to preserve your client's rights in any eventual determination that it is prudent to adjourn the proceeding and have the sign properly placed on the site. And it seems to me that that should just be the end of the matter."

Joel Markowitz, "Well, could you tell us what proper notice is? Is it 100 feet? Is it 26 feet? 27 feet? 3 feet?"

Councilman Pike, "It is reasonable notice so that people actually get notice from the device you choose to use. If you admit to me that they couldn't, you haven't done enough."

Councilman Prusinowski, "Mr. Markowitz we tried to have a spirit here. We have added public hearings for SEQRA process. We're going through a time in this town where people want to know even more of what is going on in their community and rightfully so. With that spirit, the Town Board tries at every opportunity that we can to inform the public. And based on that, I'm going to call the vote now on this particular resolution."

Councilman Boschetti, "I have a point of information. I have a question really. There was a motion that you seconded. Does that take precedent over this. What did you second?"

Councilman Prusinowski, "I second the motion to delay the public hearing until December 2nd, 1986."

RESOLUTIONS Continued

Councilman Boschetti, "Alright. Then on the question, I vote yes."

(Resolution #673/vote)

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

Councilman Prusinowski, "The time has arisen for the next public hearing. The Town Clerk will read the notice."

PUBLIC HEARING - 8:45 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, November 18, 1986 at 8:45 p.m. to hear all interested persons regarding: A proposed change of zone for premises located at the intersection of Fresh Pond and Route 25, Calverton, Laurel and Sound Avenue.

Councilman Prusinowski, "Before we continue with this public hearing, I'm going to recess the meeting until 9:00 for a quick ten minute recess at which time I will call the Town Planner, Rick Hanley, is he still here in the audience, up to the microphone and he will give you an overview of the proposed change of zone."

MEETING RECESSED AT 8:45  
MEETING RECONVENED AT 9:00

Councilman Prusinowski, "Is the Town Planner, Rick Hanley available? Could we get the Town Planner in here? And somebody with a red Audi outside has their lights on. Somebody outside with a red Audi has their lights on and we need the Town Planner and the Town Attorney. The Town Clerk has a correction to read on the public hearing notice which was 7:45; the change of zone. I'm sorry, 8:45."

Irene Pendzick, "I read that it was for the Calverton area. It is also for a proposed zone change in the Laurel and Sound Avenue areas. All three that were advertised."

Councilman Prusinowski, "Rick, could you more or less give us a brief description of what we're trying to accomplish here or what the proposal is."

Rick Hanley, "Members of the Town Board, ladies and gentlemen. My name is Richard Hanley. I'm the Town's director of Community Development. The Town Board is considering a change of zone on certain business areas within the hamlets of Calverton, Laurel and Roanoke. Essentially those two business zones are either business "B" or "C" and I think I'll take some time



PUBLIC HEARING ContinuedRick Hanley, Continued

to go to the map and point them out to you."

Councilman Prusinowski, "Why don't you take the microphone and disconnect it from the... Eric will do that for you. We haven't started paying Eric yet but I'm sure we will some day some Town Board somewhere."

Rick Hanley, "The proposal that exists tonight is to make a change of zone from business "B" in Calverton which presently situated in and around the intersection of Fresh Pond Avenue and Middle Country Road, the Main Road, Route 25 in and around the Grumman facility. The proposal is to change that existing "B" to business "CR". The second item in this proposal is to change existing business "C" zoning district which is what I call the Roanoke area just a couple of hundred feet to the west of Roanoke Avenue on Sound Avenue on both sides of the road from business "C" to "CR". And the third proposal is to change the zone from business "C" in Laurel at the town line (the Riverhead/Southold town line) to business "CR". The size in acres of the areas that are presently zoned business which are under consideration for change in the Laurel area a very small area. Less than 1 acre. The Calverton in and around the Grumman facility is a little bit larger. Business "B" is presently 70 acres. And the Roanoke consideration is business "C" presently which is approximately 16 acres. The purpose of this zoning change is to incorporate the proposal of business "CR" which is a less intense business zone within the Town of Riverhead. The purpose of "CR" was to create an open campus style setting for commercial development and to discourage strip type shopping centers in the community. I think that's all. Thank you very much."

Councilman Prusinowski, "Thank you very much Rick. Is there anyone in the audience tonight wishing to address the Town Board on this proposal?"

Ann Hattorf, Reeves Park, "I don't see how you can lump three different pieces of property in three different areas. You're talking about the Main Road, you're talking about Sound Avenue and you're talking about an area up in Laurel. I don't see how you can lump those three pieces together for one public hearing to change a zoning. Certainly our desires up on Sound Avenue in that area is not the same as the parcel of land up by Grumman's. My other question is; I just found out that I thought we were zoned agricultural. I have now found out that the area outside of Reeves Park is zoned business "B". I'm not sure what kind of businesses under business "C" is permitted. Going back a few years, and I was just telling Mr. Pike about it, we have lived there long enough to remember when Mr. Zdunko wanted to sell property to J.J. White to build a sand and gravel operation in what is farmland. And thanks be to god, that didn't go through because raising children up in that area, it certainly would have been an attractive nuisance. We moved out here. It was a summer area. It has now become a year around area. We have raised our families out here. I don't know that businesses should be considered up there. What businesses are under "CR"? What is per-

PUBLIC HEARING ContinuedAnn Hattorf, Continued

missable under "CR"? I'm told that 7-11 is permissible under "CR". God knows that we don't want a 7-11 up on Sound Avenue."

Councilman Prusinowski, "So you're suggesting is that the Town Board that in that particular area, we should not consider "CR" but we should upzone it even further."

Ann Hattorf, "I would think so. I would certainly think so."

Councilman Prusinowski, "That's a point well taken. As we go through this process, that is the purpose of these public hearings because it's important to get what you want in your area. Thank you for your comments. Is there anyone else wishing to.... Yes."

Jack Matuso, "I own the property on Park Road and Sound Avenue. I purchased the property for the use that was established on the property. And tonight being here, we all came complaining about the down zoning or up zoning. I'm not coming here to complain for anything. I want the use of whatever I purchased the property for. My intention is not to become an area than they probably will similiar to very built up area. I want to keep the place as a country like. Otherwise I would have purchased an area maybe like Hempstead or other places already built up. So this is not my intention to use the property. But definitely I wouldn't like you to change the zoning of my place."

Councilman Prusinowski, "Ok. Thank you very much sir. Yes."

Joe Tei, Wading River, "I would just like a clear cut definition of what "CR" is."

Councilman Prusinowski, "Ok. Rick why don't you give a capsule description of what Country Rural is. And hopefully the gentleman can walk back without suing the Town of Riverhead."

Rick Hanley, "Approximately a year ago the Town Board looked at a number of the permitted uses in the business "A", "B", "C" and "D" zoning categories within the Town Code and it was discovered that business "C" which is the existing neighborhood business zoning code as well as the others had some very intensive uses as permitted uses. What business "CR" did was remove a number of those very intensive commercial uses from the neighborhood business code. Those being; motor vehicle sales, gas stations, those types of uses from the code as a permitted use. It also required certain esthetic treatments in the business development. It required front yard setbacks that could not be encroached. It required rear yard setbacks, side yard. It required plantings.

PUBLIC HEARING ContinuedRick Hanley, Continued

And it essentially established a less intense business commercial development than the existing that would have developed under the existing business "C". What we tried to achieve is an open campus style development as opposed to a typical strip retail business development that we have seen down most of Long Island. As far as uses are concerned, business "CR" does provide for retail uses. It did not extract very many uses out of the existing code, just some of the more intense ones and retail is still a permitted use."

Councilman Prusinowski, "Is there anyone wishing to address? Mr. Hauggard."

William Hauggard, Wading River, "Thank you Mr. Chairman. I'd like to start with a question. There is a four-building commercial store development now being constructed on the north side of 25A. Apparently knows about it besides myself. It's just east of Fink's. And I would like to know if that is with permits and site plans for that development were granted under this new "CR" zoning?"

Councilman Prusinowski, "Yes it is."

William Hauggard, "Well then I definitely have criticism although the primary one that I undersee is that the parking that is permitted is much less than the existing. I believe that you only require 1 parking space for every 300 square feet of store space in the "CR" zoning. And secondly, although this is probably a matter of site plan approval, was this approved by the Planning Board or the Town Board?"

Councilman Prusinowski, "The Town Board."

William Hauggard, "Well gentlemen, you have permitted head on parking against the building there on that one in Wading River and I believe that this matter should have definitely been cleared with the Fire Department because in a situation where you have those parking spaces filled, I believe that access to the rear of those buildings is going to be very difficult. But basically I know that this sounds very good as far as we're going to have a nice low intensity business here. And I think really seriously gentlemen that this matter ought to be held in abeyance until everybody here has an opportunity to go and look at one of the results of this zoning that we are under going in Wading River. I believe, I see that Mr. Pike is talking there because I believe he suggested exactly that. Somebody on the Board did as it was recorded in the paper that you weren't going to apply this zone to other areas until it saw how it worked. Now I can tell you that in certainly my opinion and from what I've heard, this zoning that we have now that has resulting in this construction in Wading River is really bad. It is bad. It is going to cause a lot of problems. It is no good. And I don't think people in other areas who think they're going to get a nice country campus type of thing, realize what they're getting into. I think they

William Hauggard, Continued

ought to go and look at it and I think the Board ought to adjourn or at least hold off the decision on that until they have input from people who have seen what is happening in Wading River with this particular type of zoning."

Councilman Prusinowski, "Bill, considering that particular application, we have another one in Aquebogue across from the Donald Denis complex which turned out very well. But we do have revisions of some of the areas of country rural that has come up from the Planning Department that the Town Board will consider. Some of them take into consideration from other public hearings. I know Mr. Nohejl got up here previously and made some of the very same points. Unfortunately with that particular parcel, it was a unique parcel where it was not a deep parcel and we were struggling (the Town Board) to get the best site plan for Wading River. But the Country Rural as it stands today probably will be slightly amended and improved upon because you know planning is a process that is a continual process and that's why we need the comments that you're giving us here tonight."

William Hauggard, "Well I understood that you're going to adopt something tonight."

Councilman Prusinowski, "No. This is a public hearing."

William Hauggard, "But that's the last input the public has as to this. And I realize...."

Councilman Prusinowski, "It may not be so because I just heard some comments tonight which rang a bell with me about up on Sound Avenue they have different needs than on Route 25 on the Main Road and that makes sense to me and I'm sure other members of the Board will talk about it."

William Hauggard, "I appreciate all that. Please consider parking on site and please consider Fire Department protection."

Councilman Prusinowski, "Ok. Good point."

Councilman Pike, "I just want to (if I could) keep Bill up there for a second. We have a number of options on how to improve that and I want to make sure we address all of them as we go through the second round of developing the "CR" district. I know that there have been three major substantive changes that we've been working on having to do with configuration of the buildings so we do get buildings around the central green campus which has not clearly happened in that example. I don't know the extent to which we've looked at two things. One of which is parking and I think we should. The second one that occurs to me after looking at that one, is the relation between parking and the number of units, individual stores in this case that you would end up getting. If that was just two stores,

Councilman Pike, Continued

perhaps the parking would work. But if it's 30, you couldn't get the owners."

William Hauggard, "It's 22 with 73 spaces."

Councilman Pike, "So I would encourage as we go through this to make sure that we have some control over the number of literally store subdivisions inside a building and relate that to the parking because there is a clear relationship between them in fact. We are going through a review of "CR" I did want to say to you. The final thing is that this is a legislative act and there is not closed record. The record continues until we actually vote. You're free to come up with suggestions and lobby the heck out of us with the best of them from here until we vote."

William Hauggard, "Thank you for invitation. I'll probably take you up on it."

Councilman Prusinowski, "And I know you can do a really good job Bill. Yes. You spoke already. I'll get back to you. I just want to ask is there anyone..."

Bernadette Voras, "I'm on another topic."

Councilman Prusinowski, "Oh that's right. It's a different hearing. Ok, you're right. Ok, go ahead. You got me on that one. I'm sorry."

Bernadette Voras, "The first thing is that on the property that you're speaking of for zoning possibilities, there's already a gas station tastefully done at the present time and a woodworking shop and then there is a farm. The rest is farmland it would appear. Though it's zoned commercial, there's farmland adjacent to all of this."

Councilman Prusinowski, "And there's also a site plan that has been approved by the Town Board for a small complex there of stores."

Bernadette Voras, "I work in Shoreham/Wading River High School and I have passed by the Wading River complex and I will just give you another way of looking at it. I have no need to have any stores there of convenience of any kind. Because within three miles or less, I have this immense town with all the shopping centers, the delis, the bakeries, everything. I can't do anything about the woodworking shop because that was there and I can't do anything about the gas station because that was there. But again just to reiterate, it is just out of the question. It is redundancy to have stores upon stores upon stores when they are within a driving distance. I don't think that you need to have stores within a walking distance. That's the rationale that we're aiming for that they would dot Sound Avenue all along the way someday."

PUBLIC HEARING Continued

Councilman Prusinowski, "So you agree with your neighbor that we should up zone it even further?"

Bernadette Voras, "Absolutely."

Councilman Prusinowski, "Ok. Thank you very much for your comments. Anyone else wishing to address the Town Board on this subject? Mr. Kasperovich."

William Kasperovich, Wading River, "I think I'll change my address to the Town Hall in Riverhead proper. I'm trying to being philosophic and trying to maintain a more pleasant outlook on life after my stay in the hospital and some serious involvements and it's very trying for me to sit there and listen to this Wading River complex when I told you people about these problems. I addressed it in detail on several occasions in your work sessions. Now it's not that you didn't know these problems we're going to exist. You just looked the other way and let it happen. So what exists out there is what you permitted. There's no way you could impress the people that you did look into it or it wasn't taken into consideration. You know exactly what was being done because you were told. So that is one of the bloopers you have to live with. And we out here in the audience have to keep you guys from making more bloopers. Now, I don't know whose brainstorm it was to bring in three separate distinct areas with separate distinct concerns all into one public hearing. This is certainly steam rolling and certainly you don't give us any inkling of what's developed or and who is the big money bag trying to accomplish something in there. We are not in any dire need of anything in these areas. We're not suffering from the lack of any specific services. And yet you present it here like this is something we have to look into and we have to do. This is a lot of bull my friends. This "CR" is just an esthetic thing. You saw one good campus style project developed and somehow got it in your heads that the other people are going to follow suit. Since that time, the people who have built such buildings, have built what is referred to as minium adequate. In conservative circles we call it little shanties."

Councilman Prusinowski, "Bill I just want to warn you, you're coming up on thirty seconds to go in this round."

William Kasperovich, "You didn't want me to come up here thirty seconds ago before I got off my seat my friend. I think that you should put back to three separate public hearings the separate areas. The people in the specific areas can approach and address their specific problems and also indicate to the public what motivates you to make or suggest these changes. Thank you."

Councilman Prusinowski, "Thank you very much Bill. Is there anyone else wishing to address the Town Board. Yes ma'am."

Veronica Lizzul, Reeves Park, "I have been a home owner there for 26 years. My children have been raised there. I wonder if you're aware that we do have a public beach there. We have a terrible situation from Memorial Day to Labor Day. We have cars zooming down the road. A mother and a child are in a precarious position to try to walk down there. How in heavens name can you possibly put stores."

Councilman Prusinowski, "I have to correct you. What we're trying to do is make it less intense use. Right now the zoning permits a more intense use. So what you should be telling the Town Board is that not only do you want us to rezone it the way we have proposed, you want up zoning even further. You don't want any business there."

Veronica Lizzul, "Absolutely not."

Councilman Prusinowski, "I just want to put it in perspective."

Veronica Lizzul, "Thank you very much."

Councilman Prusinowski, "Thank you. Is there anyone else wishing to address the Town Board on this subject? Yes ma'am."

Ann Miloski, Calverton, "We have the property across from Grumman's and I don't know this lady from Reeves Park but I agree with her also that the other two shouldn't be put on with our parcel because our parcel is almost a complete 70 acres and that shouldn't be put on with a 1 acre or 10 acres and that never did make sense to me when I first read it. And also I just have become aware that in Country Rural you're allowed to build on half acres. Is that correct? That you could split an acre and have this?"

Councilman Prusinowski, "That's correct. Business."

Ann Miloski, "Not in business "B". We're business "B" and we can't build on less than an acre. And if you change us to Country Rural, that means a parcel can be split and you can have stores on half acres. I think that's a lot worse."

Councilman Prusinowski, "Well I think it's a lot worse when I drive to the Port Jefferson ferry which I've been doing on a regular basis the last couple of weekends, and I leave Wading River and I must count 50 thousand strip shopping centers in Brookhaven Town. What we're trying to accomplish here is to make the Town of Riverhead nice for the people who live here for 20 years. That is a good point. Maybe we should restrict it to two or three acres. Have really less intense uses."

Ann Miloski, "In other words, you're threatening me."

Councilman Prusinowski, "No I'm not threatening you Mrs. Miloski. What I'm saying is...."

Ann Miloski, "I'm here to speak my peace as another citizen and I think you should listen."

Councilman Prusinowski, "We are."

Ann Miloski, "If you don't want to listen to us, that's fine."

Councilman Prusinowski, "No. We're listening to it."

Ann Miloski, "Another thing I want to know is what is the AICUZ study by Grumman and did they suggest a compatible zone for near the Peconic River facility which would be us? What was there zone?"

Councilman Prusinowski, "Rick you may address that."

Rick Hanley, "Several years ago the U.S. Navy hired a consulting firm to complete an installation compatible use zone study for the Grumman property. The purpose of that study was to recommend certain types of land uses within the weapons testing facility area both inside and outside the U.S. Navy property. The uses that this consulting firm that was working for the Navy at the time suggested were both industrial and commercial uses within certain noise and crash footprints of the weapons testing facility and the runways. Essentially the purpose of that was to minimize residential development in the area because there was more of a potential for hazard with residential than there was for both industrial and commercial. So both the existing industrial and existing commercial as well as the "CR" would be compatible uses within that zone."

Ann Miloski, "How about business "B"? Was that also a compatible use?"

Rick Hanley, "It's a commercial use and it's considered compatible."

Ann Miloski, "And the other thing that I would like to ask is that the Town consider to put a moratorium on this and meet with the people in the area as you did with the people in Jamesport. They were also going for Country Rural and I think you meet with them in the Jamesport Community Center and I think you should do the same in our area."

Councilman Prusinowski, "Yes we did. I think that's a very good and we will. Is there anyone else wishing to address the Town Board on this issue? Yes Mrs. McKasty."

Mrs. McKasty, "I am in the same boat as the Town Attorney, so you'll have to try and bear with me. Under Country Rural zoning..."

Irene Pendzick, "Excuse me. Just for the record."



Mrs. McKasty, Main Road, Aquebogue, "Under the Town specifications for "CR" zoning I understand that you're trying to make a nice environment and a nice rural background. How does this "CR" zoning in general comply with the idea of a farm village under a possible new agricultural farm village proposal that has not yet been developed?"

Councilman Prusinowski, "That proposal is still not available to the Town Board. The consultants report will be due shortly. What we're going to try to do is mesh all the new zones, the proposed new zones together to have a logical plan for the town."

Mrs. McKasty, "So if you are now implementing "CR" zoning in various areas of the township, "CR" zoning would have to go along with a proposal we have not yet developed."

Councilman Prusinowski, "No it does not. These areas that we're addressing are commercial business districts and the Town Board felt that even before we started the consultant's report or the committee work, that these areas should be addressed because we were fearful that we did not want the business areas to turn into some of the areas that we see on the west end of the island. We'd like to have an orderly growth to the Town but while protecting the rights of property owners."

Mrs. McKasty, "I have been to Westhampton Beach and seen how the stores are arranged in Westhampton Beach in the village district. I can see that the stores in the back of projects change from year to year where the stores in the front part on the Main Street of the project seem to be stationary from year to year."

Councilman Prusinowski, "You mean ownership."

Mrs. McKasty, "Right. I do not know whether the "CR" zoning is the proper kind of zoning to have to develop a stable business atmosphere in the township. I was wondering if you did any studies on that kind of a thing."

Councilman Prusinowski, "We have an... The Town Board is empowered with zoning decisions, zoning and planning with property rights. We're not in the business of regulating private enterprise business. I can tell you from first hand knowledge through my private enterprise activities the reason you have a lot of turn over in Westhampton Beach is nothing to do with the zoning of the Westhampton Village. It has to do with the market place. There is a lot of quick businesses that open up for the summer. They get the summer trade and they realize in September and October they can not sustain their cash flow to maintain their businesses."

Mrs. McKasty, "So you don't think they rent those back stores on a yearly basis. They rent them..."

Councilman Prusinowski, "Well they try to and then obviously some of them go out of business."

Mrs. McKasty, "Now under "CR" zoning specifications a non-permitted use is a vending machine on the outside part of a building as I understood the specifications when I read them. And I asked was a vending machine considered to be an ice machine? Because there are some stores that sell liquor which do sell ice on the outside of the building. And I was told that the main idea of putting the word vending machine in the specifications was to try and prohibit pinball type machines being put on the outside of the building. Now in terminology, does a vending machine also mean an ice machine?"

Councilman Prusinowski, "Yes."

Mrs. McKasty, "Ok. So that means that if someone is running a liquor store or a food store of some sort, he would not be permitted under "CR" zoning to have an ice machine outside?"

Councilman Prusinowski, "That's correct unless he has a pre-existing non-conforming use like the liquor store in Jamesport has in which he would continue his operation until at which time he would come to the Town of Riverhead to make an application expand his business. Then the new regulations would kick in."

Mrs. McKasty, "I see. Thank you very much."

Councilman Prusinowski, "Ok. Is there anyone else wishing to address the Town Board on this issue? That being the case, I declare the hearing closed and we'll go right on to the next reading of the public notice by the Town Clerk."

8:45 PUBLIC HEARING CLOSED AT 9:35

PUBLIC HEARING - 8:55 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, November 18, 1986 at 8:55 p.m. to hear all interested persons regarding: The Condemnation of property owned by Channing and Barbara Reuschenberg located at West Main Street.

Councilman Prusinowski, "This is the building that is directly opposite of Freddie's Pub and next to the Riverhead Savings Bank. Formerly one of the stores there was Karl Ehmers Meats. There's a dry cleaners there. The proposal is for the Town of Riverhead...."

TAPE ENDED

Andrew R. Benci, Attorney, "I am the attorney for Mr. and Mrs. Channing Reuschenberg on this."

Councilman Prusinowski, "Are they present this evening?"

Andrew R. Benci, "Mrs. Reuschenberg is present. Tonight I appear as their attorney and I appear as their shield. Not as their sword at the moment. And of course we use the word condemnation and we think immediately of simply taking property that belongs to another party. But I think as I will quickly review the background of the present owners, that you are doing more than taking property for public purpose in this particular case. Initially my clients constructed this building 28 years ago. They've owned it for 28 years consecutively. They have paid the taxes for 28 years. They were here before anybody else was here in terms of making an investment in Riverhead. In any event, I gather we can not simply resist your efforts on our past commitment and we must resist your efforts and appeal to your discretion on their future commitment to the Town of Riverhead and what they'd like to do with the building in view of your plans. A few months ago myself and Mrs. Reuschenberg came into the Village Hall and spoke to a town official as to what the intent or what the objective is of the Town of Riverhead. He disclosed to us that this building being one of the buildings in the main entrance to the community that they would like to see it improved. I asked that town official to please provide with certain documentation and papers to see what we could to assist in that matter. Those documents were never provided to us. In addition to that and again to see what we could do, we would like to have seen a commitment from the town. On that same day that I was here I appeared before the Board of Assessors to request a reduction on the assessment of taxes. Strangely enough, the Town is offering 180 thousand dollars to condemn the property. Yet the purposes of tax assessment, they've maintained it at 360 thousand. Of course I tried to point out to the Board of Assessors that by reducing our tax load, could free us up to have some more capital for improving the premises. That didn't seem to make an impression."

Councilman Prusinowski, "What type of plans do you have to improve the building?"

Andrew R. Benci, "At the present time what we'd like to do is this; but you have to realize that you've put us between a rock and a hard place. Number one, we'd like to do things but we have this sword hanging over our heads. Of course as an attorney, I have to advise my clients that they're required to mitigate. They can't just pour money into a building if you're going to take it away. But assuming that the Town can work with my clients or my clients can work with the Town, we presently have people and we can probably fully rent that building forthwith. And we could with that kind of cash flow on the building, it's very simple to put a new front on the building if that fits in with the Town's plans. But again, how can we make this commitment if the Town is not going to commit itself with working with us as we would like to work with the Town. Now, I've advised Mr. Ehlers that we are prepared to resist. But of course as I think all Town

Andrew R. Benci, Continued

officials and private people know, I think it's much wiser to use our money to improve our situations rather than doing battle. Of course I don't make any money that way, but that's not the point. The point is really we would like to. We don't want to resist the Town if we don't have to but we'd like the Town not to resist us either. We can have the building fully rented and I think the Town official also advised me that the Town was considering putting a restaurant up there. We could probably... On the top. That was one of the considerations because it would look over the river. And of course we thought that we could instead have it. It's built for offices. It's prepared. The internal structure of the building is in very good shape and there's really no problem. It's just a matter of having a commitment from the Town to allow us to do this so that we can go forward and then prove our good faith."

Councilman Prusinowski, "Well it's my understanding that through the years, some of your tenants have requested improvements to the building and have been virtually ignored. And this concerns the Town Board."

Andrew R. Benci, "We have never been cited for anything or than..."

Councilman Prusinowski, "I'm not talking about the letter of the law. I'm talking about requests. But that's neither here nor there tonight. And it saddens me that a public hearing of this type must take place to get some action. We want to revitalize downtown Riverhead, especially West Main Street. We have other projects in the area and we're very concerned that we want everybody to cooperate with us. Especially, and you have been a good taxpayer in the community for 28 years and that's what we're here to talk about tonight. Town Attorney, you wanted to add something Dick?"

Richard Ehlers, "I just wanted to clarify that the collier notice that appeared in the paper was on behalf of community development agency for rehabilitation project of your client's property. The notice appears in the paper and causes you to be here this evening is a general Town of Riverhead notice and not a community development rehabilitation project notice. So the proposal before the public this evening is the acquisition of the property. Not for renovation and conversion by some end user but rather acquisition by the Town itself in fee. And one of the suggested uses was the demolition of the building to open up the existing park which is adjacent to the property. So there is some confusion which is not your fault at all since we've been proceeding on a two tacts. One tact has been to encourage proposals to renovate the building. Those requests for proposals have been received and reviewed. They did not result in this evenings public hearing. This evenings public hearing is a suggestion that the Town of Riverhead acquire it as adjacent parkland to the existing park which compromises the Peconic River front."

PUBLIC HEARING Continued

Councilman Pike, "I'd like to give you a picture of some things that your client might even want to consider in co-operating with the town. The current physical condition of the building, the almost total lack of parking; certainly people don't realize that there's possibly some parking. There's no clear direct access to this building to park. The fact that your occupancy rate, the last I looked, was down to one possibly two tenants with out of what appears to be eight. The fact that you've had the building there in the downtown Riverhead area for over 20 years and it has gotten to this particular point, I should think would indicate to any building owner that there's something wrong about this building in this place. A lack of access, the presence of the bus stop. I don't know what it is but it doesn't work. Because it's clearly one of the buildings that is least well maintained. It also happens to be immediately adjacent to a public park which in its hey day was one of the more glorious public institutions in the Town of Riverhead where the very river after which the town is named, is presented to the public as they drive down Main Street. To some extent, your building not only interferes with that but it destroys that view. It creates an impression of the river and your building. And it's a very serious problem. We are considering another alternative that acknowledges that the private market sector has not been able to and it is clearly evidence just by standing and looking at the broken windows, the private sector has not been able to maintain the building. And that's not your owners fault. It's just a sheer market force problem. I would like to finish my statement and you can disagree all you want. The building is a disaster at the moment. Let me finish. What we would like to do and this is about the public purposes and one of the things we're considering is to concede that point that no amount of promises that clearly historically have not been delivered offered in the future. What's changed? Nothing. You put some paint on it. The fundamental location problems of this building are going to stay the same. The lack of parking is going to stay the same. So what we're looking at is the possibility of opening up our Main Street to our river, to expand the park. And possibly even to expand the parking lot in the area, to possibly open up the Town of Riverhead and a view of the river and a view of the waterfall and a view of the park to at least nine other buildings. Some of whom the Riverhead Savings Bank, Mr. Adrian's building have evidenced a clear willingness to invest their own money whether they have the tenants or not. The Chinese restaurant has just bought our police station and they're investing in that. Our public purpose is to award those who have been helping themselves to make that area of downtown Riverhead a better place. I see the acquisition and removal of this building as a catalyst which will reward them and support the private market efforts of other building owners who would be similiarly afforded a beautiful view of the river and those are the reasons that you might also consider cooperating with us."

Andrew R. Benci, "Well I find that the timing of this new proposal to condemn the building very interesting because the last time I spoke to a town official that was never brought up. So I am rather suspicious as to the true motives as to what the town is up to. Since it's apparent that this new public.... To make it

PUBLIC HEARING ContinuedAndrew R. Benci, Continued

appear that we're doing it for the public all of a sudden is really a direct result of our objections, our willingness to work with the town which really doesn't fit in with what somebody else's plans were. But in any event, like I've represented and I am representing to you that we can fully rent that building. And I know that there is a parking lot right on the corner behind the building. And not only that, when I have been there myself personally, people have come over to that building specifically asking when are you going to open up the laundromat again for us because we have no place to clean our clothes. Just for one example. Alright. And the reason that the gentleman left the meat market is not related to the traffic flow or the business flow. It is like I said, we would like to cooperate. But when you have a sword hanging over your head, how can you make an investment or how can you want to do a self help when the town is threatening to take your property away?"

Councilman Pike, "Let me ask you a tough question. Would you open your law office in that building?"

Andrew R. Benci, "Yes I would."

Councilman Pike, "Do you know how many people here believe you?"

Andrew R. Benci, "You asked me and I gave you an honest answer."

Councilman Prusinowski, "Ok. Why don't we proceed now to have some comment from the general public. Anyone? Yes."

Norma Davies, Riverhead, "I would like to read a letter written by Patricia Start who is unable to be here this evening and from the Riverhead Townscape Inc. I would like the town to acquire the buildings in question on Main Street for demolition to enhance and revitalize a declining West Main Street but more important to open up one of Riverhead's extraordinarily beautiful assets that has not been utilized in over a quarter of a century. There is not a town on Long Island that has a park on Main Street as beautiful as our Grangebels Park. It was donated to the town by the Griffing Family for all to enjoy. Unfortunately, the park has not been cared for nor used as intended. Property has been sold such as the property in question, for relatively small amounts of money. This park belongs to the residents and it may have been improper or illegal to sell it for commercial use to begin with.

Let us restore the park to its original beauty as it was given to us. Townscape has targeted the park as a site to preserve, beautify and revitalize so that townspeople can go into the park to picnic, listen to music, fish, play chess or just to enjoy the natural beauty of the park as I am sure was the intention of the family that donated it.

Norma Davies, Continued

It is my belief that if the park is more open to the Main Street, people will use the park. A broader vista of the park will certainly enhance and help to revitalize a declining Main Street.

Therefore, I would encourage the Town Board to acquire these buildings on Main Street for demolition. But every means should be taken to help the merchants relocate their businesses with no hardships.

Sincerely,  
Patricia Stark"

Councilman Prusinowski, "Thank you very much. We'll make that part of the record. Does anyone else...? Mr. Kasperovich."

William Kasperovich, "I knew I should have stayed home to-night. Mr. Pike, when I came to your office with concerns of dangers and hazards to the public on Main Street, you threatened me with calling the police and throwing me out of the building. Now all of a sudden you're concerned with the beauty of the street. Mr. Pike, the disaster is your being up there occupying that chair."

Councilman Pike, "Thanks Bill."

William Kasperovich, "Thank you my foot. You seem to talk any d--- way you please which means that you're still ~~wet~~ behind the ears and haven't seen enough of life to justify occupying that chair. You aren't any more concerned with the beauty and the function of Main Street than the chair you're sitting on. You want to take 300 thousand dollar assessment off the tax roll. You can't take care of that little patch of green out there as it exists right now for the last 15/20 years. And you got the gall to believe that the intelligence of this audience will accept the fact that you will make a nice little park out there. Boy that's really stretching it and think somebody should get up here and tell you off and here I am. I don't know these property owners but I can remember that area of the street when we had a functioning theatre. You were probably in kindergarten at that time. But I can remember that piece of town being a nice street and we didn't need no park. You build us a fancy toilet out there. You never got to open the door when you found out you had to pay money to maintain it. If I could sit on one of those benches out there waiting for a bus, and feel secure and safe as I want to in my home town, I might entertain such a thought. But since you haven't done anything for that area to make it a nice area, who in god's name gives you the right to say tear down and extend a park?"

Councilman Prusinowski, "Is there anyone else wishing to address the Town Board?"

Bernadette Voras, "I just have a question. The buidings opposite this piece. I've been here seven years and they have not depressed me and these buildings haven't either. So I sort of agree with this gentleman that if it's taken you seven years

PUBLIC HEARING ContinuedBernadette Voras, Continued

and I've been looking at this and waiting for something to happen, it's a very interesting thing that suddenly it's going to turn into a park or extend a park. What about the buildings across the street. I certainly wouldn't want to reside in them and look across."

Councilman Prusinowski, "Dick will answer you because we have an interesting thing going on."

Bernadette Voras, "What is it?"

Richard Ehlers, "As I mentioned earlier, those buildings, the buildings across the street and the buildings that are subject of this public hearing were the subject of requests for a proposal for the community development agency. The Town of Riverhead is what is called a community development agency which is an agency created by the legislature of the State of New York. As such, that agency which is comprised by members of the Town Board is empowered to engage in urban renewal. This would be what people think of in terms of New York City. If you have an urban renewal plan, and community agency is entitled to get proposals from people who will buy the buildings and renovate them and it is a public purpose to condemn those buildings for the purpose of selling them to an end user. On its face, this sounds like something that most of us in the room would not understand. The government condemning a building to give to somebody else and that was the contention in the famous of Bulova watch. They had a Bulova watch factory in the middle of a slum and they said there is nothing wrong with our watch factory. We'd like to keep it there. The Supreme Court decided no. You have a valid urban renewal plan. You may, as a public purpose, condemn buildings and sell them to end users as long as the process by which you arrive at those end users is an open public process with requests for proposals. So the Town Board is in the middle of the request for proposals scenerio which generated the RFD's. Stuck into that scenerio is now this proposal that as an alternative, the town consider buying this piece of property out right as town property. Not for urban renewal. To tear it down and make parkland out of it."

Bernadette Voras, "Ok. But I was asking about across the street."

Richard Ehlers, "Across the street is still part of that urban renewal plan which the town is actively pursuing at this time."

Councilman Prusinowski, "We have, to put it in english, some proposals..."

Bernadette Voras, "I've been for 27 years a professional teacher and I can talk you under the table. Now relax. Just a second. In english, I understood. What I'm after is this. There are some good looking buildings down there but they aren't very good looking at the present. They have egg and dark and everything else them if you want to talk english. I don't want to see



PUBLIC HEARING ContinuedBernadette Voras, Continued

some modernized trash put in here if you're going to do something. If you're going to renew this area, yes it would be lovely to have a park there. But I want to see some buildings that are half way decent that goes with Riverhead."

Councilman Prusinowski, "Ok. What I was going to say to you in english is that we have a proposal from a gentleman who is going to take that architecture, that brick architecture and restore it fully the way that beautiful brick and those facades of those buildings and the proposals are absolutely beautiful. In fact they were in a couple of weeks ago. All the newspapers had the pictures of the renovation project and he's one of the people that is proposing to do the same thing to that corner. A complete renovation. If it's rented to the architecture of downtown Riverhead, we agree with you 100%."

Bernadette Voras, "Have you chosen the type of store you want in there or is that..?"

Councilman Prusinowski, "Well it's in the business district so I would say it probably would be a combination of retail on the ground level and offices, professional offices on the second and third and floors. They are allowed down there to build up to fifty feet. All brick. And in fact we probably have one in the Supervisor's office. You can look at the architecture. It's absolutely beautiful."

Bernadette Voras, "Alright. I can say one thing that is positive that I've seen in the town and that is the strip of parkland along the back Sears parking lot and so forth. I feel I'm safe to sit in there because it is wide open. I haven't felt the same about the other little place because it does seem to be enclosed. I can't really go along exactly with what you're saying. I do think that you should start to improve some how these buildings. Not take like another seven years to do it and keep the town in the town."

Councilman Prusinowski, "Right. I agree with you. And I just want to say that this proposal is not cut in stone and there is a discussion on the Town Board as to whether or not, as in any public hearing, that's what we're here for tonight. Which way we want to proceed with this. So that's why we're here to get your input. I think Ed Powers you had your hand up."

Ed Powers, Aquebogue, "I'm a firm believer in park. As you know, I'm on the park commission of Suffolk County. But I can't not see investing money, taking money off the tax rolls (first of all) and invest money in a park that we have put thousands of dollars in already. And as you walk back and forth going to County Center and back which I do every day, you'll find nothing but bags with bottles in them, beer cans, etc. If we can not police the park, we shouldn't have the park because it's not doing anything else but spending the town's money which we don't have, taking property off the tax rolls which we dearly need property on tax rolls

PUBLIC HEARING ContinuedEd Powers, Continued

and creating more of a problem than we have right now. The best way to get some of the problems off the Main Street area is to get the buses off there. That's the thing that's holding up the whole area there. It's deteriorating because the buses are there. If you had parking meters there, people could use the stores and you'd be fine. You've got these buses that have been supposed to get off there for the last ten years and we're supposed to get them off Main Street and they're still there. They sit there for two or three hours. That's the reason why those stores have problems. Not because of any other reason. And that should be addressed first before you go into tearing buildings down."

Councilman Pike, "I'd like to respond to that. Basically what we're doing is not an isolated incident if it's just one building. It's part of a clear plan to revitalize that West Main Street area of downtown Riverhead. We are currently under going a transportation study that would in all likelihood result in moving the bus stops out of there and bringing it to a transportation terminus with the other transportation systems that we have in the Town of Riverhead. We would be probably creating a unified transportation hubbub up on Railroad Avenue for railroad, for taxi cabs, for buses. There would be a stop there but it wouldn't be the waiting station which has also created some problems. Secondly, the matter of cost and there's two ways of looking at this. If in fact they're on the assessed.... If they have an assessed evaluation or paying taxes on 300 thousand dollars there and there are ten buildings for the sake of argument, that are in the area that would be benefited by having this particular building taken out and having their view of the park opened up, I think you could fairly make the case. And if you took a look at those ten buildings and their value with or without this particular building there, that they would each go up in value somewhere in the range of 20 to 30 thousand dollars and their potential, what people could do with them, the fact that they had park view, clearly they are a strong interest in redeveloping this area evidenced by the two McNamara parcels. The third proposal we've gotten on the northeast corner. Mr. Adrian's prior efforts to rebuild his building and the fact that the Chinese restaurant has decided to stay in that location and rebuild another building. We have three active in another proposed project for the area. All of those renovations will more than increase the tax valuation of the area than would be lost by taking this building down. Finally, we are later this evening, talking about setting up fees so that the people that move into this town to enjoy what we have here, will pay for the recreational facilities that we now have and the ones that we will need to serve all of the people who would be here as we approach the saturation population. The fees that we're talking about are going to be substantial. They would be substantial in cost, they would be substantial for creating physical resource in downtown at the northeast corner and the southeast corner all over this town. And if all of this gels together, it will pay for itself and you wouldn't object to that would you?"

Ed Powers, "No. But I have watched this go on in Riverhead and seen it going back to that little thing you said before about the fees for this new property going to recreation. Is that cut in stone or is that going to go into the general fund and be used for other things that our recreation system here has been dormant for the last ten years."

Councilman Pike, "There are a number of options for how we would do it. It is not yet cut in stone."

Councilman Prusinowski, "And that's the subject of the next public hearing. Is there anyone else wishing to (thank you Ed) address the Town Board on this issue?"

Marilyn Buckridge, East Main St., "Hi. I live on East Main Street not too far from the building in question. And I noticed over the past few years that it has been deteriorating. And of course the businesses in it, have left. And just as my own opinion being a resident and a taxpayer, I would like to see the building removed and I'd like to see the park."

Councilman Prusinowski, "Thank you very much for your comment. Is there anyone else wishing to address the Town Board on this issue? Yes."

Councilman Boschetti, "Just to the point of clarification, the bus layover point has been discussed on and off for the last couple of months and again brought up here tonight. I too, am starting to get whatever you have Mr. Attorney. Evidently I just wanted to make the point clear that the bus layover point was changed about two years ago when we had undertaken the Railroad Avenue renovation and it was cleared through the Suffolk County Bus System. And for some reason, they had reverted to laying over on Main Street. This was already done and approved. Why they keep doing it on Main Street is beyond me. Before Bob Scheiner left, I think just before he left, he wrote, I think it was the third maybe fourth letter to the County as well as the bus company requesting them to once again observe the layover place which is on Railroad Avenue. They have not yet done so. Or if they have, it was very brief and they are back laying over on Main Street. We never eliminated Main Street as a bus stop however. They can pick up, discharge passengers but they could not lay over there. To my knowledge that's still in effect although not being observed. And I think maybe we should check out why it's not being observed."

Councilman Prusinowski, "Is there anyone else wishing to address the Town Board on this issue? That being the case, I declare the hearing closed. We'll now proceed to the 9:05 public hearing, shopping carts. The Town Clerk will read the notice of public hearing."

8:55 PUBLIC HEARING CLOSED AT 10:05

I have affidavits of publication and posting that a public hearing will be held on Tuesday, November 18, 1986 at 9:05 p.m. to hear all interested persons regarding: Amending the Town Code, "Shopping Carts".

Councilman Prusinowski, "The Town Attorney will explain the ordinance briefly."

Richard Ehlers, "Based on a recommendation of the Police Department,....."

TAPE ENDED

Richard Ehlers, "...this ordinance, you're guilty of a violation. A violation is punishable under our Town Code by a maximum fine of 250 dollars and a sentence not to exceed 15 days."

Councilman Prusinowski, "Is there anyone wishing to address the Town Board concerning the issue of shopping carts? Yes ma'am."

Ann Hattorf, "I really came down just to speak about Reeves Park but you have opened a can of worms. My son was a victim of a shopping cart/motorcycle accident. Now that sounds crazy but he was riding down street, Oliver Avenue and because of a shopping cart that had been removed from the King Kullen shopping center, he was the victim of an accident. Riding down Oliver Street someone pushed the shopping cart onto the on coming motorcycle and it hit the front of the bike and Philip received two broken legs. Certainly he was incapacitated for many months to say the least. He is due to go in for more surgery in December to have pins removed from both legs and we don't know how long he's going to be incapacitated. So therefore, with this public hearing, I really believe that this is something that should be enacted. You should not be able to remove shopping carts from the shopping area. I don't really see that it's a hardship for people who do not drive. I remember years ago when my mother use to go shopping, she brought the little cart that you carried behind you and you did that type of thing. So therefore, I really would move the Town Board to please go along with this and impose on anyone who does remove shopping carts just for safety sake. Thank you."

Councilman Prusinowski, "Ok. Is there anyone else wishing to address the Town Board on this issue. Mr. Kasperovich."

William Kasperovich, "I am surprised that our Town Attorney Mr. Ehlers, permitted this thing to come to the floor the way it has. What business does the Town Board have to do with commercial enterprises? These carts are the property of somebody in business. When this man's business' property is removed from the premises, that in itself is an illegal act. They don't want to take procedure or process in caring for these carts or enforcing the law for people who abuse the use of these carts. Now you people want to take the owners onto the town to enforce the removal of these carts from the premises. It's not the towns affair to get involved in business."

PUBLIC HEARING ContinuedWilliam Kasperovich, Continued

Now if these people who own the carts haven't got the backbone to stand up and look after their own property, it's none of our d--- business to do it for them. I say that an ordinance of this sort is totally improper and shouldn't be on our books."

Councilman Prusinowski, "Is there anyone else wishing to address the Town Board on this particular matter. That being the case, I declare the hearing closed. We'll now proceed to the 9:15 public hearing entitled "Subdivision Fees"."

9:05 PUBLIC HEARING CLOSED AT 10:11

PUBLIC HEARING - 9:15 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, November 18, 1986 at 9:15 p.m. to hear all interested persons regarding: Amending Section 108-97 14(c) and 14(e) of the Town Code.

## CORRESPONDENCE:

Riverhead Central School District,

Dear Mr. Prusinowski:

Regretfully our Board of Education meeting is this evening at the same time as your Town Board meeting and, therefore, we will be unable to attend your discussion concerning the establishment of fees for new construction within the Township.

Since we cannot be present at your meeting, we wish to take this opportunity to support your position to establish a variety of building fees on new development to lessen the impact on current residents of the Town of Riverhead. Anything that can be done to minimize the cost of new facilities and services made necessary by a burgeoning population should, in our opinion, be supported by all fair-minded residents.

Indeed, we are fully aware of the fact that in Riverhead or elsewhere in New York State, school taxed constitute more than sixty percent of the average homeowners annual tax bill. In that light, since housing subdivision and condominium plans already somewhere in the development "pipeline" indicate than an increased population in this area will require additional school facilities, in the not too distant future, we ask the Town Board to approve the following:

A. To join with us in asking the New York State Legislature to pass enabling legislation that would permit either the school district or Town to levy a per housing unit development fee to help defray the cost of building new educational facilities made necessary by a large influx of new residents.

B. To establish per new housing unit devleopment fees in other areas such as; sewers, water, recreation, street construction, police protection, etc. to alleviate some of the burden that would be placed on current residents, as large numbers of new citizens move into the area. This would be particularly important should

Henry Silverman, Continued

rules are changing. I've already been to the banks. I've lined up things. My homework is done but I've got a new twist here. I think that anyone that is in the process already should be grandfathered in and let the people that are still coming up in the ballgame here to let them be able to work it into the game. I have an analogy for you. The World Series just got over a few weeks ago and remember it went to seven games. Let's say between the 6th and 7th game, Lou, Rob, Vic and John decided that we should have a base between second and third base. Alright. I don't think anyone in the game at that time is going to enjoy it. And I know I would still be trying to run to third base and maybe somebody would be yelling go back, go back. That's what I feel like here. I'm finally get ahead. I've got everything set and you're saying wait, whoa. We've got a new rule here. So I don't think we should change the rule right now in the middle of the game. Make it retroactive for anyone coming in starting into the game. Thank you."

Councilman Prusinowski, "Thank you Henry. Yes sir."

William Power Maloney, Attorney, "I'm an attorney with Hefter, Esseks, Cuddy and Angel here in Riverhead. We represent the Eastern Suffolk Board of Realtors and appearing here tonight on their behalf. I noticed just by multiplication, that you're increasing the fee by roughly 15% or 14½%. I think you have to ask yourself seriously; is this reasonable based on where you want to go with your parkland and recreational program in the town. I assume that you'll do that and you'll continue to do this before you finally enact this ordinance. I heard Councilman Pike say that the money would be used to create resources all over the town. Now, my research and I think other attorneys who look into this, will lead them to believe that this is not legal under the Town Law of the State of New York at this time. I think that the Town Board will have to consider seriously that they may not be able to take the money that they raise under this fee procedure and spread it around the town as they might desire."

Councilman Prusinowski, "We have no intentions of violating New York State law. The intentions are to specifically use the money for recreational facilities. And I can think of several million dollars worth of work to existing facilities right now that are in disrepair that need improving."

William Power Maloney, "I don't disagree with that. My position is that you may be limited to as where in the town you can spend that money. And by that I mean you may be limited to spend it very close to the subdivider from whom you're taking it in the first place. I contend, that if you don't do that, that you'll be unfairly taxing a subdivider to pay for general municipal needs which as you pointed out before, have previously been funded by bonding."

Councilman Prusinowski, "Which spread in some cases."

the Town Board and School Board be unable to obtain the enabling legislation cited in item "A" above, for the per household cost of providing all the newly required Town facilities and services, as well as new school structures made necessary by a burgeoning population, might well be more than the average Riverhead citizen could financially support.

As always, we stand ready to cooperate with you as we strive to deal with the multitude of potential changes and challenges that face the citizens of Riverhead and the surrounding area in the months and years ahead.

Sincerely,  
Daniel Fricke  
Riverhead Central School District

Councilman Prusinowski, "I might add that that letter was individually sent to all members of the Town Board. Is there anyone wishing to... Yes. The Town Attorney would like to speak if he still can."

Richard Ehlers, "This is last time you have to listen to me tonight. It's important that this proposal be given some historical background. The Town of Riverhead has empowered the Planning Board to grant the subdivisions. They are in two categories; majors and minors. This fee deals only with major subdivision applications. The Town Law of the State of New York as originally written provided that the Planning Board could require a major subdivider to set aside a portion of their property as a park or playground for the use of the residents of that subdivision and any other resident of the town. As subdivisions were approved by the Planning Board in this town and in other towns, it became apparent that this procedure was unworkable as it resulted in a major number of small vest pocket parks which were difficult to maintain and not adequately used. There was a Supreme Court case in Suffolk County which tested the propriaty of a fee instead of the dedication of land. As a result of that Supreme Court case, the State legislature amended the Town Law to empower the Town Board (that's what this resolution is about) to permit the Planning Board, they're the people that grant the major subdivisions, to charge a fee for recreational purposes. The fee which is currently in place is 150 dollars. The proposal before the Town Board this evening is to increase that fee from 150 dollars per lot to 2000 thousand dollars per lot. That fee will be used and must be used to purchase new recreational facilities, to maintain existing recreational facilities and to meet the recreational needs of the growing population of the Town of Riverhead. It has been observed that the property along the Sound and along the Bay front is fairly well built up at this point. So that existing subdivisions on interior parcels of land will require new recreational facilities. Rather than take from the subdividers portions of their properties, this fee envisions that parks will be built for the use of those new residents as well as the residents that are currently in the town."

PUBLIC HEARING Continued

Councilman Prusinowski, "I might add that a top priority which the Town Board has established several years ago was to go recreational facility by facility and take a large sum of money, preferably bond it to completely the park such as the Iron Pier beach facility, Reeves Park which need capital improvements. If you go up to our beach facilities, we are surrounded by water on two fronts and these are issues that every year in the budget, we struggle with. Because in order to put the money into the budget to do the job properly, requires huge sums and would result in huge tax increases. This is a proposal that is spreading across the country through several states and now we'd like to hear your opinion. Anybody wishing to address the Town Board? Yes Bill Nohejl."

Bill Nohejl, "Mr. Ehlers I'm glad you clarified recreation fees. I got the impression before that it was for general town purposes. Definitely not?"

Richard Ehlers, "The reason in the first public hearing that I mentioned that that should be distinguished from this public hearing is that in the case of the condominium fees, we're proceeding by a local law which is different than the procedure we're using here for these fees which are empowered to be enacted by ordinance through the Town Law."

Bill Nohejl, "I'm glad that you eliminated minor subdivisions. Because for a family, father giving a daughter, a son a piece of property and have to pay a fee to do that, I think would be very very radical. Now as far as the developer paying the \$2,000 fee per unit, that's no problem. It's passed on to the public. He is not going to get hurt. In fact, he is going to benefit for the simple reason that the town will be looking for this money for the recreational purposes and will be more readily to give a major subdivision. So what you're actually doing is you're hurting to use it. The person that must pay to come into this town to live. There's also talk about you putting the \$2,000 fee for water. That's 4,000 dollars. Where does it stop? I say a \$2,000 fee is enormous and you're not hurting the developer. As you say, the developer is going to capitalize and run. A developer is going to capitalize and run faster with a bigger profit with the down zoning to half acre on condominiums then he will paying the 2,000 dollar fee. So we're kidding ourselves. I did a major subdivision. I know the time is of essence when I have a million dollars invested. I have to pay a 10% interest for a year. That's a 100 thousand dollars. So on 33 lots, it's 66 thousand dollars. I'll pay you the 66 thousand dollars if you push my application along which will be the process that the town would be pushing it along to get the fee to use for the recreational park. Let's face it, it's human nature. Thank you."

Councilman Prusinowski, "Yes Henry."

Henry Silverman, Sound Shore Road, "I'm in the process of doing a 12 lot subdivision on Raynor Avenue, residence "C". I'm in for preliminary approval. A 12 lot, simple multiplication times 12, is 24,000 dollars. I've been messing around with this project for 16 months. I'm not at the final innings and all of sudden the



PUBLIC HEARING Continued

William Power Maloney, "Well I think that's the legal way to do it. To spread the burden of the school tax needs over the community and not to pinpoint the burden or to lay it unjustly on a person who is developing in the community. His people, after all who buy from him, will be taxed through their tax bills just as everyone else is. Finally, I noticed that since you're amending the ordinance, I would recommend that you further amend it and in subdivision "e" you take out the conjunctive "and" and put in the word "or". Because as I understand the law, the town has an option. That is it can accept a donation or reservation of land. Or in the alternative, it may require the payment of a fee. It cannot do both. As I read the ordinance at this time, it permits the town or at least it tells me as an attorney, that the town might at some time in the future require a developer to do both. In that case, it would be clearly illegal. I think the town should clean up the ordinance while it's at it."

Councilman Pike, "Counselor before you go, this is one of a number of ways we could do it. And obviously as far as condominiums are concerned, we're pursuing another avenue. I'm glad to hear that the Eastern Board of Suffolk Realtors has come down here to advise us. The last time they came down they were ripping our liver out or something along those lines. Let me finish."

William Power Maloney, "I don't presume to advise the Town Board. I simply come forth...."

Councilman Pike, "Well you just said counselor that what you're doing is not in accordance with some of the case law that you've been reading. And what I would like to finish and ask you to do is if you would be good enough to provide us with the specific cases and cites so that we can review them as we go through this legislative process. I think that would be a valuable service that this Board of Realtors could provide rather than just coming down and telling us that it's illegal or against the law."

William Power Maloney, "Well you got your pencil Mr. Pike."

Councilman Pike, "We have a tape recorder that is attached to that microphone."

William Power Maloney, "I ask you to read Gerard Inc. against Scarsdale; 18 New York 2nd. It's on page 78, 271 New York Subsecond 955. That's a 1966 case. I ask you to read Lodeiko against Heidman, 44 Appellate Division Second, 556, 352 New York Subsecond 510. That's a second department case from 1974. I ask you to read Volume II of Anderson Zoning Law and Practice; Section 21-19. I refer you to 4; Rathcauf; the Law of Zoning and Planning, Chapter 71, Page 71.72 and the following pages. I would also request as you've indicated your interest in our position, that the meeting be held in abeyance and that no decision be taken promptly so that we can brief this out for you."

PUBLIC HEARING Continued

Councilman Pike, "We are in a legislative proceeding here and there's no formal record. We can keep it open. Basically we would not want you to delay too long to do that. While you're doing it you might also consider whether or not you would want to take a position on the other project which would be done under the general municipal law and whether or not in an "Esquires" opinion, the general municipal law or what we call local laws here would also be... We would be without authority to adopt a local law of that nature because that is clearly an alternative to us to do all dwelling units on a consistent across the town basis. So if you would be kind enough, we'd appreciate it."

William Power Maloney, "Thank you."

Councilman Prusinowski, "We did discuss leaving the record open for ten days for written comments and I believe we'll do that. Is there anyone else wishing to address the Town Board on this issue? That being the case,.... I'm sorry. Mr. Cuddy."

Charles Cuddy, Attorney, "I'm also with the firm of Esseks, Hefter, Cuddy and Angel. When the going gets tough, we send two attorneys. I've written a letter to the Town Board. I assume that made part of the record. I don't want to necessarily reiterate that but I would point out that there at least six bases that I find procedural and substantive that should be considered by this Board and I would hope very seriously that you would reflect and not act precipitously. And I think as it's drawn, this is inappropriate. I come to say two other things besides those things in my letter. First I think that the gentleman has mentioned the grandfathering provision is exactly right. There are people that are involved in subdivisions that are going to be hurt enormously by having 2,000 dollars per lot charge come now. Those people that have received preliminary approval and are in the stages of final approval in some cases have contracts of sale. Those contracts did not consider that there would be a 15 fold increase in the parking fees. Park fees are originally 3,000/3,500 dollars are now 60,000 dollars and that's wrong to penalize somebody. I don't think that should be done. And I would ask the Board respectfully if you're going to have an ordinance of this sort, that you certainly include a grandfathering provision. I would further point out to this Board that I'm not familiar with your file. So maybe I'm mistaken. I don't know any place where you have a privilege to amend the statute or the Town Code as you are doing here. There is no amendment for provision that I know of and maybe you can tell me, in the regulations that now exist. What you're doing is Town Board wise, amending the regulations of the Planning Board. And I fully recognize number 277 of the Town Law gives you certain authority to do that particularly as to park fees. But I think this should originate first with the Planning Board. I think there should be first a hearing and I think the Planning Board should recommend this to you and then it should be made public at a Town Board hearing and I would ask you to consider that as well as the things that are in my letter."

Councilman Prusinowski, "Ok. Thank you very much. Howie Young."

PUBLIC HEARING Continued

Howard Young, Riverhead, "Everybody knows that I benefit from subdivisions. So you'll have to figure out which was I speak tonight. I'm glad that the local indians didn't have a powwow before my great great grandfather built his first house here and charge him a recreation fee. I think the community or our government is really mistaken when I think that we residents need you to pass laws to benefit us in the sense that we won't pay our fair share of parks that we need for somebody that hasn't moved here yet. And that's what ultimately you're doing. You're charging a fee for a resident that's going to be sometime a voter here hopefully which will eliminate the people that are sitting up there that think they are doing a favor to this community. I think you're doing a big disservice by penalizing the proposed residents of this town. I have a close relative that's trying to buy a home, a blue collar worker on Long Island and he's having a very difficult job doing that and raising two kids. And I think you guys are reacting to everything that happens in this community about ten years after you should have reacted. I've been stomping my feet out in the front door there for four years and I really if I believe that if you seriously wanted some recreational facilities in this town, that I would be in favor of what you're doing. I think you're trying to penalize a developer. I think you've done everything in the last year you could think of to try to prohibit development in this town instead of trying to get an orderly community going here. There is proper ways to develop a community. There are proper ways to handle zoning, proper ways to provide recreational facilities. And I think that most of this community is going to pay their fair share of any recreation facility that you might need. Thank you."

Councilman Prusinowski, "Is there anyone else wishing to address the Town Board on this issue? That being the case, I declare the hearing closed. We'll now proceed to the 9:35 public hearing."

9:15 PUBLIC HEARING CLOSED AT 10:33

PUBLIC HEARING - 9:35 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, November 18, 1986 at 9:35 p.m. to hear all interested persons regarding: Application of Peconic Ambulance Service Inc. to construct an office and garage on west side of Edgar Avenue, Aquebogue.

Councilman Prusinowski, "Is there anyone here representing the applicant? Yes. Come up, state your name, the purpose of what you're trying to do or propose."

David Lance, "I'm in construction in Riverhead and I'm representing Peconic Ambulance as their agent. And basically the applicant is requesting a building for his offices and garage, 2 bay garage to store ambulances for out of view of public eye. They are not an emergency service. They're a transport service."

11/18/86  
PUBLIC HEARING Continued

Councilman Boschetti, "Excuse me. Mr. Chairman could we have the doors closed?"

Councilman Prusinowski, "Yes. Bill could you close those doors because they're having the real public hearing on the fees out in the hall. Ok. Let's continue."

David Lance, "Anyway, what it boils down to is they're requesting a special permit from the Town Board for a non-nuisance industry in a nuisance industry area."

Councilman Prusinowski, "Ok. There is anyone wishing to address the Town Board on this issue? That being the case, I declare the hearing closed. The Town Clerk will now read the notice (thank you very much) for the 9:45 p.m. public hearing."

9:35 PUBLIC HEARING CLOSED AT 10:36

PUBLIC HEARING - 9:45 p.m.

I have affidavits of publication and posting that a public hearing will be held on Tuesday, November 18, 1986 at 9:45 p.m. to hear all interested persons regarding: Application of Philger Realty Corp. (Suffolk Old Farms) for change of zone for property located on north side of Middle Road from Agriculture "A" to Residence "C".

Councilman Prusinowski, "Mr. Conforti I know you're here representing the applicant."

Anthony Conforti, Attorney, "I know we're all tired, I'll make it brief. I'd like to point out to the Board...."

TAPE ENDED

Anthony Conforti, "....enactments in the first place be made in accordance with comprehensive plans. The closest thing that we have to a comprehensive master plan for the area in question is the update prepared by Raymond, Parish, Pine and Weiner some four years ago. That plan proposes medium density for the area in which my client's property is located. In addition there-to,...."

Councilman Pike, "Tony which plan is that? The 58 corridor?"

Anthony Conforti, "This is the 58 corridor plan, yes. In addition, by referral from this Board, the Planning Board of the Town of Riverhead considered the application and the Planning Board unanimously passed a resolution approving a rezoning of that part of the two parcels owned by my clients. And that as well as neighboring parcels on the east extending all the way out to Northville Turnpike. All of which lie within the Hamlet. For those reasons I would urge this Board to in fact grant the application."

PUBLIC HEARING Continued

Councilman Prusinowski, "Thank you Mr. Conforti. Is there anyone here wishing...? Mr. Nohejl."

Bill Nohejl, "Mr. Conforti lost me. Is this in reference to the property of Middle Road extending north towards Reeves Avenue?"

Anthony Conforti, "Yes it is."

Bill Nohejl, "Alright. According to what is in the paper, I saw the maps in the paper, the Hamlet line extends north of Middle Road. And the shading in the map is 3,000 feet beyond the Hamlet line. Sixty percent of the 80 acre parcel which was formerly the Young farm is beyond the Hamlet line. The Planning Board, this hearing has been before the Planning Board. I attend all the Planning Board meetings. The Planning Board urged denial of anything north of the Hamlet line. So what Mr. Conforti is presenting here tonight is way out of text of what the Planning Board recommends. Recently Tara went for a rezoning, Tara Associates. It was granted a rezoning by the Planning Board to the Hamlet line but this Town Board passed the zoning 1,300 feet north of the Hamlet line which is not precedent. Now the only piece of property that is going to remain between Mr. Conforti's and Tara Associates is going to be the Children's place, Timothy Hill and Timothy Hill will get an automatic rezoning because that will close in the whole block for rezoning. And I am definitely opposed to anything north of the Hamlet line. As I say, that's 50 to 75% of the 80 acre parcel is beyond the Hamlet line. I wish you to take that into very..."

Councilman Prusinowski, "I just looked at the map Bill."

Bill Nohejl, "I am not against half acre zoning south of the Hamlet line which I believe is right because of the water and the sewer but not to make precedent and going north for any person. Let's keep it right on the line. Thank you."

Councilman Prusinowski, "Is there anyone else wishing to address the Town Board on this issue? Tony."

Anthony Conforti, "I thought I made it clear to this Board and if I didn't I apologize. Not only to the Board but to the people here in the room tonight. I said or I thought I said that the proposal or the resolution enacted or passed by the Planning Board recommending the rezoning recommended it to the Hamlet line. I did not intend it to mislead this Board."

Councilman Prusinowski, "Ok. Fine. Thank you. I'm sure it does. Is there anyone else wishing to address the Town Board on this issue? That being the case, I declare the hearing closed."

9:45 PUBLIC HEARING CLOSED AT 10:22

Councilman Prusinowski, "Irene we're going to do the rest of the resolutions and then open it up to public comment one more time."

11/18/86  
RESOLUTIONS

#674 ADOPTS RESOLUTION RE: ADDITION OF SECTION 103-4(I) TO THE RIVERHEAD TOWN CODE.

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

WHEREAS, the Town Clerk was authorized to publish and post a public hearing to be held on the 7th day of October, 1986, at 7:55 p.m. at the Town Hall for the purposes of hearing all interested persons with regard to adding Section 103-4(I) to the Riverhead Town Code; and

WHEREAS, all persons wishing to be heard were heard on the date and at the time and place specified and for the purpose stated in said public notice.

NOW, THEREFORE, BE IT

RESOLVED, that Section 103-4(I) of the Riverhead Town Code be and is hereby added and adopted as follows:

I. The dumping of land clearing debris is hereby prohibited effective December 1, 1986. Notwithstanding the above, an individual who possesses a valid building permit for the construction, renovation or improvement of a dwelling for his own use may obtain an exemption from this prohibition by filing a copy of the building permit with the Town Clerk and an affidavit stating that land clearing debris necessitated by the work encompassed by the building permit will be for only material deposited at the landfill. Upon such filing, the Town Clerk shall issue a temporary permit in the name of the building permit holder or his agent. Such permit must be displayed upon entering the landfill and the permit holder must certify the origin and amount of land clearing debris to the attendant then on duty. This section shall not be interpreted to prohibit the dumping of debris resulting from casual home maintenance and landscaping.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

#675 AWARDS BID RE: FENCE AT WADING RIVER SUMP.

Councilman Pike offered the following resolution which was seconded by Councilman Boschetti.

WHEREAS, on November 17, 1986, the Town Clerk did receive and read aloud bids for the purchase and installation of fence at the Wading River Sump, and

WHEREAS, two (2) bids were received.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase and installation of fence at the Wading River Sump be and is hereby awarded to Riverhead Fence Company, of Riverhead, New York, the lowest responsible bidder, in the total amount of \$6,600, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Riverhead Fence Company, 421 Riverleigh Avenue, Riverhead, New York and Charles Bloss, Superintendent of Highways.

RESOLUTIONS Continued

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

#676 AUTHORIZES TOWN CLERK TO NOTIFY CARTERS OF PENALTIES FOR OUT-OF-TOWN REFUSE.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Town Code of the Town of Riverhead prohibits the dumping of out-of-town refuse, garbage and debris at the Riverhead Landfill; and

WHEREAS, it has come to the attention of the Town Board that those licensed to deposit refuse, garbage and debris may improperly bring out-of-town debris to the landfill in violation of the Riverhead Town Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk shall forward a copy of this resolution notifying all license holders that licenses shall be revoked if out-of-town garbage is brought to the Riverhead Landfill effective immediately; and be it further

RESOLVED, that the Highway Superintendent be and is hereby authorized to post notices at the entry points to the Town of Riverhead notifying the public that out-of-town garbage may not be brought into the Town of Riverhead.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

#677 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING RE: ADOPTING AN ORDINANCE TO THE RIVERHEAD TOWN CODE ENTITLED "SEQRA FEES".

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, publication was authorized by resolution of the Town Board dated November 5, 1986, which publication did not appear in the newspaper; and

WHEREAS, the Town Board wishes to call said public hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below Public Notice with regard to adopting an ordinance to the Riverhead Town Code entitled, "SEQRA Fees".

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 2nd day of December, 1986, at 8:25 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to adopting an ordinance to the Riverhead Town Code as follows:

SEQRA FEES

1. Environmental Impact Statement: Fee. Whenever it is determined by the Town Board, the Riverhead Planning Board or the Riverhead Zoning Board of Appeals that a Draft Environmental Impact Statement must be prepared, the applicant shall pay a fee for the review of such draft to the Clerk of the Town of Riverhead in the amount of two thousand dollars (\$2,000).

2. Pending applications. In the case of applications pending on effective date hereto, the fee must be paid within thirty (30) days of such effective date.

3. Effective date. This ordinance shall take effect ten (10) days after publication hereof.

\*broken lines represent deletion

\*underscore represents addition

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, absent.

The resolution was thereupon duly declared adopted.

#678 RESOLUTION APPROVING THE CHANGE OF ZONE AND SPECIAL PERMIT APPLICATION OF JUSTIN PURCHASING CORPORATION.

Councilman Boschetti offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, Justin Purchasing Corporation has heretofore and on the 9th day of July, 1985, filed a special permit application under Article XXIV of the Zoning Ordinance seeking the designation of Redevelopment Community District on that portion of certain premises zoned Residence B situate north by the Long Island Sound, east by McCombe, south of Sound Avenue and west by Reeve and Granttham, and otherwise known as a 41.3 acre vacant parcel under Suffolk County Tax Map as parcel 0600-018-01-010.001 as said premises is more fully described on Schedule A of said special permit application dated the 15th day of March, 1985; and

WHEREAS, said special permit application was referred under Section 108-3 of the Zoning Ordinance of the Planning Board for its recommendations; and

WHEREAS, the Planning Board did, on September 5, 1985, adopt a resolution of conditional approval; and

WHEREAS, this special permit application was referred to the Conservation Advisory Council and the Conservation Advisory Council has approved this application with conditions; and

WHEREAS, the Town Board held a public hearing on this application on the 1st day of November, 1985, pursuant to public notice; and

WHEREAS, the applicant has prepared and submitted in supplement for its application and Environmental Assessment Form pursuant to the State Environmental Quality Review Act; and



RESOLUTIONS Continued

WHEREAS, this Board has considered all matters pertaining to this application, including the verified application of Justin Purchasing Corporation, the Title Certificate of Peconic Abstract, Inc., the aforesaid Environmental Assessment Form, the aforesaid resolutions of the Planning Board and the Conservation Advisory Council, and the record as developed at the aforesaid public hearing, and in supplement of said public hearing; and

WHEREAS, this Board finds that the applicant proposes to construct, as located on the site plan of Young & Young, Engineers and Land Surveyors, dated the 26th day of June, 1985, subject to site plan approval, a non-denominational retreat house for the use of not more than 20 married couples (and resident manager and spouse) seeking to develop and enhance the marital relationship through professional counselling services on a not-for-profit basis, together with accessory uses, to wit, tennis court and pool; and

WHEREAS, the proposed improvements would be constructed in conformity with the dimensional lot, yard and height requirements of the Zoning Ordinance; and

WHEREAS, the proposed improvements would be so located as to provide on each side thereof a protective buffer area of not less than 75 feet within which said protective buffer areas no structure, storage, parking or other uses shall be permitted; and

WHEREAS, the construction of said proposed improvements would provide for on-site retention of storm water, and on-site installation of lighting facilities so located that light beams would not be directed toward any adjoining residence; and

WHEREAS, the proposed improvements would be constructed in compliance with the requirements of Article of the Suffolk County Sanitary Code and Section 108-60, the Parking Schedule of the Riverhead Zoning Ordinance; and

WHEREAS, this Board finds that the within project will consist of improvements utilizing less than five percent of the land area of the applicant and will not have a significant adverse impact on the environment and, accordingly, renders a negative environmental declaration with respect thereto; and

WHEREAS, all construction shall comply with the New York State Uniform Fire Prevention and Building Code, subject to any determination of the Housing and Building Codes Bureau of the Division of Housing and Community Renewal of New York pursuant to the Uniform Fire Prevention and Building Code; and

WHEREAS, this Board finds that the proposed use will not prevent or impair the reasonable and orderly use or development of other properties adjoining the subject premises or nearby the subject premises, the hazards to the surrounding area are outweighed by the advantage to be gained by reason of the conditions set forth hereinbelow, the health, safety, welfare, comfort, convenience and order of this municipality will not be adversely affected by the subject use, and the subject use shall be in harmony with and promote the general purposes and intent of Chapter 108 of the Ordinance of the Town of Riverhead.

NOW, THEREFORE, BE IT

RESOLVED, that the special permit application of Justin Purchasing Corporation seeking the imposition of Residence RDC District classification to the exclusion of Residence B classification at that portion of the subject premises currently classified Residence B, and seeking a special permit to construct a multiple residence as aforesaid, is, in all respects, granted subject to the following:

RESOLUTIONS Continued

1. The use of the entire subject premises as described in the aforesaid special permit application shall not be changed, modified or altered in any respect, excepting upon further application to and approval by the Town Board.
2. Within 30 days from the date of filing of this resolution, the applicant shall file with the Clerk of the Town Board an agreement to be executed by the Town Supervisor, in substance to be approved by this Board and in recordable form to be approved by the Town Attorney providing that the subject premises shall, notwithstanding any future exempt status under the Real Property Tax Law, be obliged to make payment to the Town of Riverhead of all otherwise applicable Town, School and County Taxes, with said agreement to be denominated as an agreement for payment in lieu of taxes. Said agreement shall be recorded with the Suffolk County Clerk as a condition to the issuance of a building permit.
3. Approval of this special permit application is subject to the further site plan approval of the Planning Board, sanitary and sewage disposal systems of the Suffolk County Health Department and compliance, except as aforesaid, with all applicable provisions of the New York Uniform Fire and Construction Code.
4. All signage installed at the subject premises shall be subject to the approval of the Town Board, and none shall be installed except upon the prior submission to this Board of a site plan detail depicting the location thereof and detailed drawings indicating the size, elevation and setback from nearby land features of said proposed signage.
5. The operation of said premises shall be at all times under the auspices of a corporation formed under the New York Not-For-Profit Corporation Law and the names and addresses of all officers, directors and certificate holders of said corporation, including as changed from time to time, shall be disclosed in writing by the applicant to the Town Board and maintained as part of this file by the Town Clerk.
6. The subject premises shall be operated with the assistance of an on-site manager and owners's agent, whose name, address and regular and emergency telephone numbers, shall be disclosed and maintained on file with the Town Clerk and the Chief of Police of the Riverhead Police Department.
7. This approval is conditioned upon a prohibition of expansion or increase of the improvements receiving a building permit hereunder, and site plan approval hereunder, except upon further application of and approval by the Town Board.

RESOLUTIONS Continued

8. The southerlymost 20 acres of the subject premises currently utilized for agricultural purposes shall, except to the extent of necessary roadway improvements, remain in agricultural use only, except upon the further application to and approval by the Town Board.

9. Site plan approval hereunder shall be expressly conditioned upon the further conditions that there be no alteration, clearing or filling, including during construction of that area within 100 feet of the top of the bluff from the east to the west side of the subject premises, and further that a vegetation plan approved by the Conservation Advisory Council be adopted and implemented within one year from the date of issuance of any building permit hereunder.

10. The subject premises shall not be used at any time as a hotel, motel, resort, recreational center, beach club, boarding house, garden apartments, apartment house, condominiums, cooperative apartments, child care institution, hospital or sanitarium, or any use inconsistent with paragraph 1 hereinabove, and the use described within the special permit application aforesaid, it being intended that the foregoing listing of prohibited uses is illustrative and not by way of limitation, and it being further intended that the use of the subject premises be limited to that use described in the special permit application aforesaid. In the event that such use as approved herein is impractical, for any reason, the use of the entire parcel covered hereby shall revert to one single-family dwelling.

11. The within approval shall expire within two years from the date of filing of this resolution with the Town Clerk subject to extension upon application to the Town Board. This condition shall lapse and be of no further force and effect if a building permit is issued for the subject improvements within said two-year period.

12. The applicant, as a condition to this approval and within 30 days, shall file a covenant stating that it is familiar with Riverhead Town Code Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same.

13. Trash receptacles of a decorative design shall be maintained at the premises at all times.

14. Adequate parking for the handicapped pursuant to State and Federal law shall be provided and each handicap stall and shall be designated by an individual sign erected on a station stating "No Parking, Handicap Only", and the universal symbol affixed thereto.

15. The premises shall be maintained in a clear and orderly condition, with all litter removed on a regular and systematic basis, including that area adjacent to Sound Avenue by way of illustration.

RESOLUTIONS Continued

16. Applicant shall, at its own cost and expense, submit covenants in recordable form, together with a check in sufficient amount payable to the Suffolk County Clerk embracing the entire resolution hereinabove, with said covenants to be submitted within 30 days from the date hereof to be approved as to substance by this Board, to be approved as to form by the Town Attorney, and to be filed as a condition to the issuance of any building permit issued pursuant to this approval.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Anthony B. Tohill, Esq., attorney for Justin Purchasing Corporation, the Riverhead Planning Board, the Riverhead Building Department and the Conservation Advisory Council.

Councilman Pike offered the above resolution to be Tabled no one seconded.

Councilman Pike, "This is the Justin Purchasing approval. And despite my best efforts, I'm aware of the fact that the majority will on this particular resolution is that it should be defeated. It is currently worded not to reflect the majority of the opinion. It is currently worded as stated here, to approve the change of zone. And I'm just approaching this from a legal point of view that if in fact it is the will of this Town Board as it appears it is the will of this Town Board to disapprove Justin Purchasing, they ought to do it in a resolution that sets forth very clearly and concisely under the standards of the law, their reason for doing so and they should adopt those reasons. I feel that it would be more appropriate that our resolutions reflect what we believe to be the will of the Board. This one does not. I move to table."

Councilman Prusinowski, "There's no second to table it so I'll second the original resolution and we'll proceed to a vote."


The vote, Boschetti, no, Pike, no, Prusinowski, no, Lombardi, no, Janoski, absent.

The resolution was thereupon duly declared DENIED.

Councilman Prusinowski, "I will now open up the meeting to anyone else wishing to be heard on any subject. That being the case, I declare the meeting closed. Thank you for all attending."

There being no further business on motion or vote, the meeting adjourned at 10:45 p.m.

IJP:nm

  
Irene J. Pendzick  
Town Clerk